

SENATE—Friday, October 2, 1987

(Legislative day of Friday, September 25, 1987)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Come unto me, all ye that labor and are heavily laden, and I will give you rest.—Matthew 11:28.

Loving, Heavenly Father, this has been a difficult and frustrating week—long hours, controversy and conflict, indecision, disappointment, and for some nonfulfillment. Not only have the Senators and their staffs and those who labor in and around the Senate Chamber worked very hard—their families have felt the impact as it has resonated throughout these buildings into their homes. We pray for spouses and children. Thank You, Lord, for their patience in disappointment. Help us all to realize “as goes the home so goes the Nation.” When the family disintegrates, the Nation disintegrates. Save us from the contradiction of winning some battles but losing the war. In Thy gracious providence, patient Father, help this week-end be a blessing to families. Help the Senators to find some surcease from their labors—some rest—some refreshing—some renewal which will restore depleted energy and family relationships. We pray this in His name whose love is sacrificial, unconditional, and without partiality. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 2, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The President recognizes the distinguished majority leader.

SYMPATHY TO THE FAMILY OF THE SECRETARY FOR THE MAJORITY

Mr. BYRD. Mr. President, I know that other Senators will want to join me in extending sympathies to the secretary to the majority, Mrs. C. Abbott Saffold, and to her family, on the unexpected death of her father.

Dr. Robert B. Reed was 70 years old. He was a retired professor who had served most notably at the Harvard University School of Public Health. Dr. Reed was stricken last night with a heart attack.

All who know Mrs. Saffold—“Abby,” as we call her in sincere affection—admire her for her meticulous work and for her patient, never-flagging, positive spirit. In no small measure, those and her other sterling qualities are the fruit of the love and nurture of her distinguished father.

I hope that Abby, her mother, and her brother will note our genuine expression of sorrow at their loss, and they may find some small consolation in our concern.

I yield the floor so that the distinguished Senator from Wisconsin will not be delayed.

Mr. PROXMIER. I thank my good friend, the majority leader, for his graciousness and courtesy very much.

AMERICANS WANT ACTION ON HOSTILE CORPORATE TAKEOVERS

Mr. PROXMIER. Mr. President, the Louis Harris Data Center at the University of North Carolina at Chapel Hill this year completed a very revealing public opinion poll on attitudes toward hostile takeovers. The poll on this red-hot issue is timely. It comes when our economy is in throes of the greatest merger mania in the history of our country. A great distinction of our free American economic democracy has been the multiplicity of vigorously competing businesses. No country in the world has established competition as the prime means of effective regulation as widely as the United States. Throughout this century as the industrial revolution swept through the world, the United States adopted as a bipartisan policy a legal

framework to prevent economic concentrations that would have monopolistic power to fix prices. From Teddy Roosevelt and Woodrow Wilson down through the decades of the 20th century America, far more than any other country on Earth, has been the land of free competition.

But is this still true now, in this 1980's decade? We may be beginning to lose it. Think of it. Last year this country suffered 9 of the 10 biggest mergers in the history of our country! This year the merger mania rushes on. At the same time the Antitrust Division of the Department of Justice last year actually reduced the number of antitrust cases it brought by 25 percent! Concentration of economic power with its inevitable consequence: The diminution of competition, represents one result. Another result has been the huge fortunes made by investment bankers, lawyers, arbitrageurs, and corporate raiders—making literally millions of dollars—in some instances with only a few weeks of work. Short-term stockholders have also enjoyed quick enrichment. But the price for many Americans has been tragic. Hundreds of thousands of jobs have been lost. Communities have lost their economic base. The hostile takeover rage has plunged corporations deeply into debt. Corporate raiders who succeed in their takeover quickly use the corporation's credit to pay off the debt they incurred to buy the corporation's stock, but leave the corporation deeply indebted. If the corporation management defeats the raider, it usually does so by borrowing billions. It then uses the proceeds to bid its own stock up out of the reach of the raider. Again the corporation is loaded with debt. Service on the debt precludes corporate investment in research and development that improves the quality of the corporation's product. It prevents manpower training expenditures. It discourages the corporation from buying more efficient equipment. The net result is that win or lose the corporation has less resources available to increase its efficiency. The merger mania has taken a big bite out of this country's commercial competitiveness.

Mr. President, in this democracy we in the Congress who help set national policy for our economy must be concerned with how the American people feel about this. Do they favor the rush of mergers, especially hostile takeovers, or do they oppose them? What

does the Louis Harris Poll to which I referred tell us? It tells us plenty. Do the American people have an opinion on hostile takeovers? How about the business community? What is their view? The reaction is a real eye opener. Here it is:

First, among the groups affected by hostile takeovers which group did the American public feel rated the principal concern? The poll measured the concern among five key groups: Stockholders, top management, employees, the community where the company is located, and the firm's customers. The result was quite a surprise. When asked which are "affected a great deal," employees come through as far more important than any other group: 59 percent say a great deal, 50 percent say the same for the community, 44 percent cite the customers, 43 percent, the top management, and 42 percent and last—the stockholders. This was true in all categories of persons questioned when asked what group needed to be protected the most, the public as a whole said employees by a 63-percent margin. And get this—the stockholders said employees needed protection the most by a 65-percent margin, top business executives picked employees as most deserving of protection with a 49-percent vote, and as might be expected 67 percent of the employees thought employees should be protected most.

The poll concluded that few in the country as a whole feel that stockholders are the only relevant parties in a hostile corporate takeover.

In the responses to the extreme proposition that for the hostile takeover to succeed it should command 80 percent of the vote of stockholders. The total public supported this position by a landslide vote of 77 to 19 percent.

This poll was conducted by the Louis Harris organization in the first 3 weeks of January 1987. The organization interviewed a cross-section of 1,751 adults. It separately interviewed 682 top business executives. This included 265 top executives among the Business Week 1,000 top corporations, 217 among companies in the \$40 to \$400 million size group, and 200 from the \$5 to \$40 million size group.

Mr. President, I want to thank my good friend, the majority leader, once again for being so gracious and I yield the floor.

Mr. BYRD. Mr. President, my good friend is welcome.

RECOGNITION OF SENATOR MCCAIN

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Arizona, Mr. McCain, is recognized for not to exceed 5 minutes.

Mr. McCain. Mr. President, I believe that the distinguished majority leader had allowed me 15 minutes. If I might find out if that is correct? If I

could have the attention of the majority leader?

The ACTING PRESIDENT pro tempore. I say to the distinguished Senator from Arizona the order was 5 minutes.

Mr. McCain. Could I have the attention of the majority leader?

The ACTING PRESIDENT pro tempore. The Chair would say of the action of the majority leader, under the previous orders his schedule was such that the 9 o'clock hour would be the time when we would have the vote and if the Senator from Arizona should take 15 minutes, that would extend beyond the hour of 9 o'clock.

Mr. BYRD. What was the question the Senator addressed to me?

Mr. McCain. In discussion with the distinguished majority leader yesterday, the leader was kind enough to extend me the courtesy, or see if he could arrange the courtesy of 15 minutes for me yesterday? The President stated I have 5 minutes.

Mr. BYRD. Yes, the distinguished Senator asked me for 15 minutes. I had a piece of paper given to me last evening indicating that the Senator wanted 5 minutes, so I entered the order in that fashion.

Mr. President, I ask for unanimous consent the Senator be given 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator is recognized for 15 minutes.

Mr. McCain. Thank you. I would like to again express my appreciation for the many courtesies extended to me, such as this example, by the majority leader.

THE NOMINATION OF JUDGE ROBERT BORK

Mr. McCain. Mr. President, each of us in the Senate has had a great deal of time and an ample supply of advice to help us decide how to vote on Judge Bork's nomination for the Supreme Court. This process has been made more difficult for some of us by extremely intense special interest group lobbying, and in some cases outright distortion, disinformation, and hysteria in trying to generate opposition to Judge Bork. I would like to explain why I am going to vote in favor of confirmation, and why I do so without any hesitation.

I believe that what the Senate should appropriately examine in a nominee are: Integrity and character, legal competence and ability, experience, and philosophy and judicial temperament. I believe Robert Bork is well qualified in all four respects, and that view is shared by the vast majority of people who have observed Judge Bork in his capacity as Solicitor General and Federal Court of Appeals Judge. In fact, former Chief Justice

Warren Burger testified before the Senate Judiciary Committee that: "I know of no person who meets those qualifications better than he does."

Let me take the criteria in order. First, integrity and character. Judge Bork's honesty, integrity, and diligence are above reproach. The only issue that has been raised in this context is whether he acted properly in following President Nixon's 1973 order to fire Archibald Cox during the Watergate investigation. There is no finding that Bork was ever guilty of improper conduct. In fact, during that difficult episode, Robert Bork displayed courage and statesmanship and helped protect the integrity of the Watergate investigation. After determining that it was legal for him to discharge Cox, Bork informed Attorney General Richardson and Deputy Attorney General Ruckelshaus that he intended to resign as soon as the firing was completed. Richardson and Ruckelshaus persuaded him to stay because they thought it was important to have someone of his integrity, stature, and knowledge to continue on in the Justice Department. That decision helped prevent large-scale resignations that would have hurt the Department and the subsequent investigation. And Bork immediately safeguarded the investigation from any interference and kept it on track. In short, the attack on Robert Bork for this difficult act is simply without merit. In fact, Elliot Richardson testified before the Judiciary Committee last week in strong support of Bork's confirmation. Trying to use Watergate against Judge Bork is a transparent, political refuge for those seeking to use any arguments they can think of.

Next, let us consider legal competence and ability. Even his strongest critics do not claim any shortcoming here. He was a professor at Yale Law School for 15 years; Phi Beta Kappa; honors graduate from the University of Chicago Law School. He was Solicitor General from 1973-77, representing the United States before the Supreme Court in hundreds of cases. He was unanimously confirmed by the Senate in 1982 for the Federal Court of Appeals for the D.C. Circuit—receiving the American Bar Association's highest rating. In that capacity as a Federal appeals judge, not one of the more than 400 opinions that he has authored or joined has even been reversed. In addition, the Supreme Court has reviewed 6 of the 20 cases in which Bork filed a dissenting opinion—and the Court agreed with Judge Bork in all 6. This distinguished record, when added to the fact that Judge Bork has been in the majority in 95 percent of the cases he has heard as a Federal judge, demonstrates that he is not some intellectual "loose cannon on deck," or a quixotic or mav-

erick jurist, but is a thoughtful, reasoned jurist. He is not out to rechannel the mainstream of American jurisprudence.

Next, let me touch briefly on experience. I have discussed that a little already, but in the peculiarities of this particular confirmation process, Judge Bork's experience is especially important. That is because much of the criticism of Judge Bork arises from writing and commentaries he made many years ago as an academic. He has defended this academic record, but has also recanted some of his older statements, such as a statement of the 1960's that he did not believe the "commerce clause" of the Constitution was a valid source of power for Congress to outlaw racial discrimination in public accommodations.

I will go into my observations about Judge Bork's judicial philosophy in more detail later. My point here is that, it is one of the objectives of an academic to be critical, often provocative; Robert Bork's record of Federal service, first as Solicitor General and then as a Federal appellate judge, is critically important in order to determine his abilities and performance. We have a track record on Robert Bork under these circumstances—circumstances which are far more reliable indicators of his approach to being a constitutional decisionmaker than an academic article in the 1960's or the 1970's. This 9-year record in Government shows that Robert Bork is hardly a radical, but is rather a very thoughtful judge in sync with the vast majority of his colleagues on the bench.

Finally, I would like to discuss Judge Bork's philosophy and judicial temperament—for that is where the only honest disagreement and debate can lie on this nomination.

First, and most importantly, is the question of Judge Bork's view of the role of the judiciary. Judge Bork is clearly a believer in judicial restraint. He believes that the courts should not create social policy or arbitrate social policy disputes unless the Constitution clearly speaks to the issue. He believes that in our republican form of government such decisions are properly left to legislatures elected by the people, not Federal judges appointed for life. I have no problem with that view, because I wholeheartedly agree with it.

Now, some of my colleagues are so result oriented that they appear anxious to embrace judges who are willing to bend and shape the Constitution to fit a particular social agenda. That should trouble people of all political stripes. No matter how much we may like the result of a case, we should never feel comfortable creating new constitutional precedents out of whole cloth and binding future generations simply to accomplish a particular end.

Not only is that an inappropriate use of judicial power, but it leaves legislatures incapable of changing the outcome. Congress and State legislatures cannot change Supreme Court rulings when they are based on constitutional grounds, as opposed to statutory interpretation. That is fine when the Court ruling is based on a clearly intended constitutional right. But that is wrong when a fair reading of the Constitution shows no such right was within the realm of intentions. That is all Judge Bork is saying.

Let us take two prime examples—the two Judge Bork has received the most criticism for. The right of privacy and the equal protection guarantee of the 14th amendment.

The right of privacy was created by Justice Douglas in the *Griswold* case and was used as the basis of the later *Roe versus Wade* abortion case. It was created by a Supreme Court opinion which struck down a Connecticut anti-contraceptive statute and found various "emanations" and "penumbras" throughout the Constitution which warranted the leap to creating a new right that has still never been fully defined. No one, including Judge Bork, argues that the Connecticut law was appropriate. Judge Bork even testified that there were other ways to strike down the law.

What he—and many constitutional scholars—objected to was creating such a new constitutional right when that right could not be found or derived from one of the provisions of the Constitution or our Bill of Rights. And he objected to creating a right that has no definition or clear limits. For example, does such a right prohibit a legislature from outlawing production and use of drugs in your own home? Does such a right prohibit outlawing prostitution?

The point is that just because one might be comfortable with the result of the *Griswold* case, does not mean it was well-reasoned or good law. The fact that Judge Bork has criticized its reasoning does not mean he is opposed to privacy or contraceptives. It simply means he is willing to point out the obvious problems with the Court's reasoning.

One should remember that, if our courts are free to go beyond the terms of our cherished Constitution to create new constitutional mandates that some might find acceptable, the Supreme Court in later years could use that free-roaming power to create mandates we do not like. Neither course is sound. The only sound course for the courts is to apply the law as it is written, not create it as they might wish it to be.

That same reasoning used in the *Griswold* case led to what must be the clearest example of judicial "legislation"—the abortion case of *Roe versus Wade*. Whether one is pro or antiabortion,

or whether one approves or disapproves of the result of the decision, it is difficult to argue that the Court's opinion is not constitutionally suspect. The Court found that this new constitutional right of privacy forbid the States from regulating abortion during the first 3 months of pregnancy, authorized limited regulation of abortions during the second 3 months, and authorized States to severely regulate or prohibit abortions during the last 3 months. Furthermore, these constitutional rights could be subject to change as medical technology changed and advanced.

This may or may not be how a legislature should decide how abortions should be regulated. But to argue that the Constitution says this is nonsense. And to establish constitutional rights that can vary as technology changes is nonsense.

Again, the issue is not whether Bork is antiabortion or antiprivacy. The question is this: Is Robert Bork unfit for the Supreme Court because he believes this decision is logically and constitutionally flawed? I think not.

Let us take the other area where Judge Bork's views have been grossly distorted and criticized—the equal protection clause of the 14th amendment, which says no State shall "deny to any person within its jurisdiction the equal protection of the laws."

The majority of the Court has developed a "three-tiered" approach to equal protection analysis, which Bork has thoughtfully criticized. The Court divides people into various groups and then applies different standards of protection depending on what group you are in. "Suspect" classifications, including racial groups, are given "strict scrutiny" by the Court. A second tier of groups, including sexual classifications, is given "intermediate scrutiny." Other group classifications need only have a "rational basis." Judge Bork has criticized this for good reason. The Court has never adequately explained the criteria by which groups are included or excluded in these different categories. The Court, in fact, has been inconsistent in making such groupings and applying these tests. Judge Bork says we should apply the equal protection guarantees equally to all persons, and that any distinction made by classifying people must pass the same test of reasonableness. He's further said that racial discrimination would never be reasonable or permissible in his view, and that sexual classifications would very, very rarely be reasonable or permissible. That, it seems to me, is a defensible position.

In his testimony, Judge Bork has defended himself and his views well. Of course, we must protect minorities and even majorities from societal discrimination. But this does not mean that,

because he has criticized the methodology the Court's used, he is any less committed to full and fair enforcement of the equal protection clause. All it means is that he is a smart and outspoken enough legal scholar to point out some of the very real problems with the Court's legal reasoning.

Before I conclude, I would like to comment on some of the opposition to Judge Bork. I have no problem with my colleagues voting against Bork if they truly believe he is unfit for the Supreme Court—although I personally cannot conceive of how you could reach that conclusion. I do have a serious problem, with the tactics of distortion, hysteria, and politicized paranoia that many of the special interests have used and exploited to oppose this man.

They have tried to label him as a lawbreaker for his performance of his orders in the Watergate investigation. Wrong.

They have tried to say his confirmation means contraceptives will no longer be available, that abortions will become illegal, that homosexuals will lose their rights, that minorities could be discriminated against, that women would lose their equal protection guarantees. Wrong, wrong, wrong, wrong, wrong.

Let us deal with reality. The opponents of Robert Bork—who unanimously supported confirming Justice Scalia, who is probably more conservative—have made this a political contest. Why? Maybe, because they have not been able to devise a domestic policy agenda that has enough popular support to pursue. So they have created a monstrous paper tiger out of Robert Bork—a fearful, loathsome embodiment of injustices from the past—that they want to strike down in righteous wrath.

Well, baloney.

The Supreme Court starts its new term next Monday—and it does so with a Justice missing. Why? Because the Judiciary Committee delayed Judge Bork's nomination for a longer period than any other Supreme Court Justice in recent history. Judge Bork's nomination had been sitting in the Senate for 70 days before the committee even began its hearings. Well, enough time has passed. Let us stop delaying, and let us get a vote promptly. The American people deserve a Supreme Court with nine Justices.

I believe Robert Bork will be an outstanding Justice and contributor on that Court.

He is a thoughtful and extremely well qualified lawyer and jurist. He has impeccable integrity. He is experienced. He espouses the proper role of the courts—to apply the law and the Constitution, not find ways to second guess legislatures when they exercise their legislative authority. And he is committed to ensuring that the Con-

stitution is applied fairly and rationally to all Americans.

The phone calls and letters I have received from the thousands of Arizonans who have contacted me are almost 2 to 1 in favor of confirming Judge Bork. There is no question where those people are on this issue. As my dear friend and esteemed predecessor in the Senate, Barry Goldwater, told me yesterday: "I would be appalled if the Senate didn't confirm a man who's so exceptionally well qualified. The Senate would lose its self-respect if it turns Bork down." Indeed, Mr. President, I do not know how any American who has closely and fairly studied this man's record and heard his testimony could help but think that Robert Bork deserves our support and will be a great Supreme Court Justice.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

RECOGNITION OF SENATOR BENTSEN

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Texas [Mr. BENTSEN] is recognized for not to exceed 15 minutes. The Senator from Texas.

Mr. BENTSEN. Thank you very much, Mr. President.

NOMINATION OF JUDGE BORK

Mr. BENTSEN. Mr. President, on July 1, when President Reagan nominated Robert Bork to the Supreme Court, it quickly became apparent that the President had selected a jurist of substantial intellect and unchallenged integrity who would nevertheless be an extremely controversial nominee.

Millions of Americans feel very strongly about the Bork nomination. They fervently embrace or emphatically reject his outspoken views on some of the basic issues in our democracy—issues like privacy, equality, and the way our Constitution is interpreted.

The Bork nomination has assumed an added significance in the minds of many Americans. As successor to Justice Powell and the potential "swing vote" on the Supreme Court, Robert Bork will, if approved by the Senate, be in position to exercise vast influence over every aspect of American life well into the 21st century.

At the time Judge Bork's nomination was announced I resolved to withhold judgment—and comment—until the Committee on the Judiciary had completed its hearings. I wanted to hear Judge Bork testify and respond to the committee. I wanted to hear the opinions and testimony of jurists and representatives of those who felt most

threatened by—and supportive of—Judge Bork.

Those hearings have been completed. I have heard Judge Bork. I have listened to the testimony. I have weighed the arguments pro and con and I have decided to oppose the confirmation of Robert Bork as a Justice of the Supreme Court.

Mr. President, I would like to take just a few moments this morning to explain some of the key factors that influenced my decision to vote against Judge Bork's confirmation. One point that came in clearly through the static of the committee hearings was Judge Bork's repeated belief that he cannot properly read the Constitution as recognizing a general right to privacy since no particular provision of the document specifically grants such a right.

I happen to agree with a former Supreme Court Justice named Louis Brandeis who wrote that the makers of the Constitution "conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

Mr. President, I am not prepared to vote for a Supreme Court nominee who has steadfastly refused to acknowledge that the people of America have a constitutional right to privacy—especially in the home.

The case that most vividly demonstrates my differences with Judge Bork on the issue of privacy in the home is *Griswold versus Connecticut*. In that case the Supreme Court struck down a State law that banned the sale or use of contraceptives, even by married couples. Judge Bork has called that decision "unprincipled." And as recently as 1986 he suggested that he did not think "there is a supportable method of constitutional reasoning underlying the *Griswold* decision." I could not disagree more. I do not think Government has any business intruding into the American home.

Civil rights is another area where Judge Bork and I have profound differences that make it impossible for me to vote for his confirmation. As far as I can determine, in virtually every case where he has taken a position, Judge Bork has opposed the advancement of civil rights over the past 25 years.

In 1963 he suggested the public accommodations bill pending before Congress contained a principle of "unsurpassed ugliness" since it would coerce white restaurant and hotel owners to serve patrons they would prefer not to serve. A year earlier in 1962, the first major hotel in Houston to be integrated had opened for business. As head of the company that owned that hotel, I find such a statement repugnant.

In 1968, in 1971, and in 1973 he criticized "one-person, one-vote" decisions by the Supreme Court. In 1973 and again in 1985 Judge Bork attacked the Supreme Court decision, *Harper versus Virginia Board of Election*, that outlawed the use of a State poll tax as a prerequisite to voting. He continues to hold this position.

Just as a personal aside, Mr. President, I want to point out that back in 1949, when I was a Member of the House of Representatives, we voted on a constitutional amendment to outlaw the poll tax. Only two Members of the Texas delegation voted for that amendment—and I was one of them. So I admit to being a little upset when almost 40 years later, we have a nominee for the highest court in the land who throws legal darts at decisions outlawing the poll tax.

In a very fundamental and very significant sense, America has set its house in order when it comes to civil rights. Sure, I know many people would argue that we still have a long way to go. But even they would agree that we have made major, irreversible progress. That progress was purchased at a price. We all looked hard at ourselves, we made changes and sometimes those changes were traumatic. But they have had time to sink in and take hold and be accepted.

I question whether very many Americans—black, white, Hispanic or others—want to turn back the clock and revisit those questions. We do not need any more narrow legal debate on what is right and just for America when it comes to civil rights. We have already answered those questions. Now what we need to do is consolidate our progress and keep moving forward.

My third point of disagreement with Judge Bork concerns his interpretation of the equal protection clause of the 14th amendment. According to Judge Bork—as recently as 4 months ago—the equal protection clause should be "kept to things like race and ethnicity." The Supreme Court disagrees. I disagree. Millions of American women disagree. We believe that the equal protection clause should also protect women against discrimination in the workplace.

I am aware that in his testimony before the Senate Judiciary Committee, Judge Bork beat a tactical rhetorical retreat. He reversed field and allowed that the equal protection clause should apply to "everyone." Well, that is fine as far as it goes, but it is precisely that kind of new-found reason that has raised troubling questions about Judge Bork's so-called confirmation conversion.

Obviously, Mr. President, Judge Bork has a keen legal mind. He works hard and has written copiously. He has a flair for the language. He has earned his reputation as something of a "Legal Lone Ranger," with a talent

for investing almost any position, no matter how farfetched, with a patina of intellectual respectability.

Some witnesses have even testified that is the only way to rise in the rarefied intellectual ether of Yale University. And that may be true.

But it is also true that a feisty, iron-clad consistency has been the trademark of Judge Bork's career, at least until this summer.

It concerns me, and perhaps it may even trouble Robert Bork's supporters, that he demonstrated more flexibility in 5 days before the committee than in the previous 25 years.

Those who would like to see Judge Bork confirmed by the Senate have frequently made the point that he is a "law and order judge." I agree and I commend Judge Bork on his strong stand in this area. If an abiding commitment to law and order was the only point at issue, I would have no problem voting for Robert Bork.

But look at the composition of the court, Mr. President, and you will see that we will have a law and order Supreme Court with or without Judge Bork. That path is already charted. The Rehnquist court has left no doubt in this area. With law and order Judges like Scalia, O'Connor, and White, Robert Bork would really be a controversial fifth wheel—rather than a swing vote—on those issues.

I also want to emphasize that I am not opposed to placing conservative judges on the Supreme Court. I voted for Justice O'Connor. I voted for Justice Scalia. I voted for Chief Justice Rehnquist. And if the administration is looking for a talented, respected, conservative Supreme Court nominee in the near future, I recommend that they take a close look at someone like Fifth Circuit Court Judge Pat Higgenbotham of Dallas who has all of the talent and none of the controversy that surrounds Judge Bork.

Mr. President, I cannot in good conscience vote to confirm Robert Bork's nomination to the Supreme Court. I have profound disagreements with the nominee on issues as basic as privacy in the home—civil rights—and the equal protection clause of the 14th amendment. I have doubts about his new-found flexibility.

Judge Bork is a controversial, ideological nominee who is staunchly opposed by so many ordinary citizens from so many walks of life. In my judgment he is not an appropriate choice for the Supreme Court and I urge my colleagues to join me in opposing this nomination.

Mr. President, I yield back the balance of my time.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

RECOGNITION OF SENATOR SIMPSON

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from Wyoming [Mr. SIMPSON] is recognized for not to exceed 10 minutes.

Mr. SIMPSON. Mr. President, I thank you.

THE NOMINATION OF JUDGE ROBERT BORK

Mr. SIMPSON. Mr. President, I have the greatest respect for Senator BENTSEN. He is an extraordinary man. There is no one more respected here in this body. So I am disappointed to see that he too has decided to reject Judge Bork.

I thought I would just speak for a few moments this morning regarding that nomination as I have witnessed several of my colleagues pronounce their decision to reject Robert Bork—to reject him completely. Those decisions have come yesterday, they have come today, and they came only 1 day following the close of the public committee hearings on the nomination. That is the most disappointing part of it.

I do not wish in any way to be misconstrued in doubting the sincerity of those who have already stated their opposition here on this floor. But I am concerned that such actions may lead other Senators into a hasty decision on the nomination.

I refer to it as the "defection-of-the-day mode." Yet, those who have spoken, and sincerely so, were not on my list as ever being for Judge Bork, but simply always "willing to listen."

The Judiciary Committee engaged in many hours of testimony and discussion on the Bork hearings. But that is only the first step in the fulfillment of the Senate's duty to "advise and consent." That is the irony of the situation. We have not even done anything in the Judiciary Committee. On next Tuesday, the committee will vote on the nomination of Judge Bork, and then that nomination will be taken to this floor for complete and thorough debate by the full body of 100. We have never had that yet. Eighty-six of us have never even been in the full debate.

So I urge my colleagues who have not had the opportunity to fully review the committee hearings and the transcript to do so. I urge my colleagues to withhold judgment and to review the committee report after its completion—and that has not yet been compiled—for further explanation of the events which have transpired in the committee room on this very important matter. That seems odd to me—not to have reviewed the transcripts, not to have reviewed the report.

So I say respectfully to all my colleagues: I do hope and trust you will collect all of your facts, review the transcripts, read the report, ask what portions of his background disturb you. My hunch is that it will be something he said in 1963, which has been well explained, on civil rights. As I have said many many times, there are three present Members of this body who voted against the civil rights bill, and they are not lesser people to us at all, not one whit. They are superb people in this Senate. We do not keep score on them.

There was more discussion of the 1971 Indiana law review article than there was of the Constitution of the United States during the committee debate, and that was disappointing, because he prefaced all that with the statement that it was informal; that if it was to have been more balanced and more thorough and more complete and more well researched, he would have written a book. But let me tell you, I heard enough about the Indiana law review article of 1971 to last forever. As I say, there was more reference to it than there was to the Constitution of the United States.

So I hope my colleagues will do that and will listen. That is called fairness. I think that is all we call it, and we all know that, because in our own lives, and especially our political lives, we have suffered slings and arrows aplenty.

This nomination is politics, pure and simple politics, nothing more. There will be others, and there have been some before, but this one is the quintessential politics. This is the selection of Supreme Court Justices by Roper poll and Harris poll and Gallup poll. I do not think that is what the Founding Fathers had in mind some 200 years ago when they asked us here to perform our role of advice and consent.

As my lovely friend from Texas has just said, so many citizens from so many States are so disturbed about this. Who would not be? I have never seen such an extraordinary campaign of misinformation, distortion, and lies—and I use that word very carefully. I do not ever try to misuse the word "lies." That is much more than loose facts.

If I were a young lawyer living in Cody, WY, which I was at one time, and raising my babies, and doing my business, and coaching the Little League, and going to the Rotary Club and the Chamber of Commerce, and I picked up the paper—the Casper Star-Tribune or the Billings Gazette, or whatever, it might be in Wyoming—and read the full-page ads of "The People versus Bork," and the reference to the young, pregnant woman, and the fact that there would be an invasion of the bedroom, an invasion of privacy, and no rights of privacy for a

woman, and if I hear Gregory Peck—and that is a powerful ad of his, I would be deeply alarmed. I have been a great admirer of his, and thus there is another irony: that great movie of his "To Kill A Mockingbird," was about fairness and prejudice; and his ad is harsh and alarming and distorted, and it has helped to prejudice the American people against Judge Bork. That is the way it is.

If I had seen those things while I was busy with my life as most Americans are—they are not really paying attention, but they read and they watch and they have seen all this—and they are frightened. Who frightened them, and with what? They were frightened with emotion, fear, guilt, and racism. As I say, if I had been in that situation, I would have turned to Ann and said: "Better write our Senator. We don't want a guy like that. Keep that man off the Bench."

That is reality. That is all being spread by those public interest groups who are obsessively opposed to this nomination and were waiting for Judge Bork to surface as soon as Justice Scalia attained the Bench.

Eighty-six of our remarkable colleagues need to get into this debate, whether they are for Bork or opposed to Bork, and then the American people will know a little more than they do now.

It was former Attorney General Griffin Bell, a man for whom I have the deepest admiration, a very special man I have learned to know, who said in testimony before the committee that when he woke that morning and read the papers, a poll showing that a majority of the people were against Judge Bork, he was struck that America might be abandoning its constitutional process for confirming judges by getting away from the very thoughtful and reasoned decisionmaking of the U.S. Senate and turning, instead, to the polls for their constitutional role of advice and consent.

He also eloquently reminded us that it was Mr. Thomas Jefferson who was of the opinion that in a representative form of government, Senators are the elected ones and that we owe the people of this great country our "best judgment." That was Thomas Jefferson.

The best judgment does not mean what is the best polling data or who is pushing hardest or who is raising more hell. Judgments here should be drawn after a careful review of facts and opinions and the transcripts and the report on each side, from both sides of the aisle, and not in response to the latest poll or a television ad or by weighing the mail. People are doing that now. They are weighing the mail. I hope the American public knows that is going on, too.

So, this remarkable institution, this U.S. Senate, is directed to give its

advice and consent. That means we do that with 100 of us out here debating. That has not been done. I think it would be eminently fair to do that.

So let us continue with the process which has really only just begun, and let us move now to a vote in the committee, then move the nomination to the floor for consideration by this entire U.S. Senate. Only after those necessary steps are completed will we then have a vote on whether to actually provide our honest advice and consent to the nomination of Judge Bork as the next Associate Justice of the U.S. Supreme Court.

I urge a bit of calm and restraint and deliberate reasoning in an atmosphere that would be free of emotion, fear, guilt and racism, stirred up by the various interest groups and regrettably on both sides of the issue.

So I thank you, Mr. President, and I hope that all of us will look forward to a very interesting debate where we can deal with the issues without the requirement of pollsters to assist us in our constitutional work.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky using his prerogative as a Senator suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1174, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Bumpers Amendment No. 825, to limit the operational deployment of certain strategic offensive nuclear weapons systems and launchers.

(2) Dole-Warner Amendment No. 839, to provide that the United States shall not be obligated to abide by the provisions of the SALT II Treaty, in whole or in part, unless and until (a) the Senate has amended the Treaty so as to give it legal force if it were ratified; (b) the Senate has given its advice and consent to the Treaty; (c) the Union of

Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned; and (d) each party has ratified the Treaty in accordance with its own constitutional processes.

AMENDMENT NO. 839

The PRESIDING OFFICER. Under the previous order, the Dole-Warner-Byrd amendment is now the pending question, on which there will be 30 minutes debate, to be equally divided and controlled.

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a quorum call with the time to be equally divided. I have discussed this with the Republican leader and it is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, last night before we recessed, the Senator from Virginia and I proposed an amendment to the defense bill. I am pleased the distinguished majority leader has agreed to cosponsor it.

As I indicated last night, the amendment is simple and straightforward. It outlines the constitutional steps we would have to take to give the SALT II Treaty the force of law.

First, at the very least, we would have to change the date of SALT II, otherwise it would have already expired upon ratification.

Second, the Senate would consider the treaty and perhaps propose other amendments, reservations or understandings. This is the most important part of the Senate's role in treaty making.

Of course, third, the Soviet Union would have to accept the changes we proposed.

And then, finally, at the end of the process both sides could ratify the treaty.

Do not get me wrong. I am not suggesting we do this. I have likened the prospect of reviving SALT II to reviving Frankenstein; however, with all the discussions of treaties and treaty-making powers in the Senate, I do see a value in stepping back and looking at what the process involves and then considering what we are doing and what we are not, what we can do and what we cannot. I believe we should be looking forward to START, not backward to SALT. We should be supporting the President to get the Soviets to

agree to real verifiable reductions. If he succeeds—and I hope he does—the Senate will have plenty to do in exercising its constitutional role in treaty making.

The amendment that we are going to vote on in about 20 minutes is a very simple statement on the constitutional process required to give SALT II legal force and I would hope that my colleagues would join in voting for it.

I do not know of any opposition, but I think we have asked for the yeas and nays; I think a rollcall would be helpful. I yield any other time that may be on this side to the distinguished Senator from Virginia.

Mr. BUMPERS. Mr. President, who controls time on this amendment?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I yield—how much time?

Mr. BUMPERS. I do not want any time. I thought I would yield time if I controlled it. If the Senator from Georgia controls it, that is fine.

Mr. NUNN. Mr. President, if the Senator from Arkansas desires to be recognized, I would be glad to yield time, or if anyone else on this side or the other side would like to speak to the subject, I will be glad to yield time. Otherwise I reserve the balance of my time.

Mr. WARNER. Mr. President, yesterday, during debate, several times the distinguished Senator from Arkansas and indeed others tried to indicate that Bumpers amendment—did not relate to SALT. Am I correct in that; I ask the distinguished Senator?

Mr. BUMPERS. The Senator is correct and the Senator will find that in the amendment, SALT is not mentioned one time.

Mr. WARNER. I thank the Senator for that clarification, if any clarification was needed. Because time and time again this Senator said the amendment went straight to the SALT. Constantly they said there was no reference to SALT.

I said a message would be sent from this Chamber that, indeed, the amendment we were to accept, this amendment, dealt with SALT.

I refer to the headlines in the Washington papers this morning.

"Senate Sets Votes on SALT Issue." Very clearly, Mr. President.

The Senate defied the White House on arms control again yesterday by signaling support for legislation to force the administration to resume compliance with the unratified 1979 SALT II treaty with the Soviet Union.

Headline No. 1. That was from the Washington Post of this morning.

New York Times, today's paper: "Senate Votes for Adherence to 1979 Arms Treaty." Washington, October 1:

Over the opposition of President Reagan, the Senate registered its support today for a proposal requiring adherence to the weapons limits in the unratified 1979 treaty limiting strategic arms.

Washington Times, headline: "Democrats Refuse To Jettison Missile Limit in SALT II Pact."

Now, Mr. President, can everybody be wrong? I ask my good friend from Arkansas, in view of this, in view of the interpretation by the leading journalists covering the news in the Nation's Capital, covering the news from this Chamber, the headline writers: Who is right? Who is wrong?

Mr. BUMPERS. Senator, how many times have you picked up the paper and seen headlines and a story and read the story and you wonder where the headlines came from?

As you know, somebody else writes the headlines.

Let me say first of all I am just sorry I did not think up this amendment myself because I think I would have gotten more votes than 55 yesterday.

Mr. WARNER. Which amendment?

Mr. BUMPERS. I am talking about the Dole amendment.

Mr. WARNER. The Dole-Warner amendment now pending?

Mr. BUMPERS. The Dole-Warner amendment now pending; I am saying I am sorry I did not think of it because I think it would have increased our margin on the Bumpers-Leahy-Chafee-Heinz amendment fairly dramatically yesterday.

What I said, and the Senator from Virginia heard me say time and again yesterday, that we are not trying to rewrite a treaty. In the first place, the SALT II Treaty, had it been ratified in 1979, would have already expired. It would be the height of folly for us to be standing on this floor trying to rewrite it or ratify it or do anything of the kind.

We all know what the constitutional provisions are on treaties and what I said yesterday, if somebody does not like the figure 1,320 for MIRV'd launchers, they ought to amend it to 1,300, 1,350, or whatever. We are talking about interim restraint.

Mr. WARNER. Mr. President, I would ask my good friend first, his amendment has limits identical to those in SALT II; am I not correct on that?

Mr. BUMPERS. The Senator is correct on part of it.

Mr. WARNER. Then, Mr. President, I ask him why did he pick the identical figures of 820 launchers, 1,200 launchers of intercontinental ballistic missiles?

Mr. BUMPERS. Because, Senator, those have been the figures that have been used by the United States and the Soviet Union for 8 years.

Mr. WARNER. Mr. President, it is clear, as this Senator and others have said, how the message would be interpreted if we pass this amendment as embracing a part of the SALT II Treaty, a treaty that was never given the advice and consent of this Cham-

ber, a treaty that was withdrawn by the President and a treaty which the Soviet Union has, time and time again, as late as this week, violated in its shot of a missile near the State of Hawaii.

Mr. BUMPERS. If the Senator would yield to me for just a moment, let me say, No. 1—

Mr. WARNER. Mr. President, I yield off this Senator's time, that is the time of the Senator from Arkansas, because I see other Senators waiting.

Mr. BUMPERS. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia controls the time; the Senator from Georgia has 7 minutes 45 seconds. The Senator from Virginia has 4 minutes and 20 seconds.

Mr. BUMPERS. Just a couple of minutes?

Mr. NUNN. Mr. President, I yield 2 more minutes.

Mr. BUMPERS. Mr. President, the whole impetus and thrust of the Bumpers-Leahy-Chafee-Heinz amendment was that we did not think it was a good idea to have absolutely no constraints on the nuclear arms race, after both sides, for 8 years, had complied with several constraints, high ones, 1,320 MIRV'd launchers, 2,400 launchers of all kinds, single and MIRV'd, and several others.

The whole idea of this was not the sanctity of 1,320, not the sanctity of 820 MIRV'd ICBM's or 1,200 MIRV'd ICBM's, SLBM's. Those were figures that at one time had been agreed upon. But they also had been lived with by the United States. Some of us thought the United States and the Soviet Union were both well served with a cap on the nuclear arms race. When the President announced last November that he was no longer going to comply with that, we thought that was a bad idea. We did not think the 1,320 figure was sacred. There was nothing sacred about that figure. But we did think there ought to be a cap. That is the reason our amendment was very carefully drawn to say there ought to be a numerical limit and here is a figure that we think is reasonable. That is it.

I am not trying to rewrite the SALT Treaty. As I said, it has already expired by its own terms. If you put the SALT Treaty up here for ratification, it will be defeated 100 to zip.

Mr. WARNER. The Senator from Arkansas and I both served in the Marines. We shared stories about those days many times.

I remember the day I was a brand-new second lieutenant. I was leading the platoon, and I said, "Sergeant, these men have to do" this and that "and they must do it now. Why are they not doing that?"

The old sergeant turned to me and said, "Lieutenant, it ain't what the facts are, it is what the troops think the facts are."

Here is what the troops think the facts are today in this Chamber.

Mr. NUNN. How much time have I remaining?

The PRESIDING OFFICER. Four minutes, forty-five seconds.

Mr. BUMPERS. If the Senator will yield for a quick observation, I am not responsible for headline writers in the Post, Times, or Washington Times.

Mr. STEVENS. Will the Senator from Virginia yield to me?

Mr. WARNER. I yield such time as the Senator desires. I divide my remaining time equally between the Senator from Alaska and the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. No matter how the Senator from Arkansas describes this amendment, it does in fact seek to put into law the sublimits of SALT II. It ignores entirely the Backfire bombers in Siberia in the Soviet Union across from my State. It ignores the developments taking place in the Soviet Union. But what is more, it ignores entirely the fact that we have negotiators in Geneva working on a new arrangement between the Soviet Union and the United States in the strategic negotiations.

When they were here, I asked them how much progress they were making. I do not want to quote their percentages, but they told me they are closer to success than anyone here realizes. Yet this Senate now is seeking to put into law, firmly fixed into law, numbers that are on the table in Geneva, numbers that our negotiators ought to have freedom to deal with. I see no reason for this type of usurpation of the negotiations in Geneva in order to get headlines, even though they may be erroneous as far as the Senator from Arkansas is concerned.

Mr. NUNN. Mr. President, let me just say that the Senator from Alaska makes a good argument on the Backfire bomber. I think the Backfire is something that has bothered us a long time and continues to be a problem in START. But I would also add, I did not support the Bumpers amendment and voted against it because I perceived, too, that it was basically putting a part of an unratified treaty into the law and I had a real problem with that although I agreed with the substance of what Senators BUMPERS and LEAHY were trying to do.

President Reagan's statement as to the interim restraint ceiling we are now under is 2,520 strategic vehicles, that is the overall ceiling, and also I believe he said we would not go over the number of Soviet ballistic missile warheads.

The interim restraint rule we are now under also excludes the Backfire because only strategic nuclear vehicles count in the 2,520.

I would say the Senator has made a valid argument, but it applies just as much to the President's interim restraint as to the one Senator BUMPERS referred to.

Mr. STEVENS. The President's interim restraint is not in law and, second, the Backfire bombers are on the table in Geneva.

Mr. NUNN. The Senator is correct on the second point. The President's policy is not in law. The Senator is correct in that also. But the President's interim restraint policy does not count the Backfire and the Bumpers amendment does not count the Backfire. That was the point I wanted to make.

Mr. President, I agree, and I have said this before, with the basic premise of the Bumpers amendment. I also agree with the Dole amendment. But the difficulty I have had with the Bumpers amendment was that it had been perceived, as the Senator from Virginia clearly said, to be writing into law the SALT II Treaty sublimits. The curious position we have evolved into if we pass the Dole amendment is that it cures the problem that I have had with the Bumpers amendment because it makes it absolutely clear—and I think it is very good taking this into conference—I think it makes it absolutely clear that we are not writing the SALT II Treaty into law. That is the big problem I have had with the Bumpers amendment.

It does happen that the numbers are the same, and it may be in conference we are going to be in a position to work with the House, and maybe even the White House, in making some sense out of the regime of interim restraint. I think that is what everybody really wants. The President wants it, obviously, because he kept the SALT II sublimits as a matter of policy for several years. Then when he dropped that, he went immediately to another interim restraint regime I have just recited, 2,520 strategic launchers, plus not exceeding the number of the Soviet missile warheads. So everyone agrees we ought to have interim restraint.

If we pass the Dole amendment unanimously we will be making it abundantly clear that this Bumpers-Leahy amendment is not writing SALT II into the law, even if the numbers happen to be the same. Maybe in conference we will have to take a look at those numbers.

So I find myself in the position now having voted against the Bumpers amendment yesterday, but now the Dole amendment makes clear the context in which the subsequent Bumpers amendment will be voted on. With the two amendments together we will be issuing a notice to the Soviet Union that the Senate believes that we ought to have a policy of interim restraint

and saying to the conferees to work out that policy in the context of the Dole amendment, so that we will not be voting the SALT II Treaty into law.

I would say I am going to think about it a little more, but it seems to me we have basically cured the basic problem, if we adopt the Dole amendment, that I had with the Bumpers amendment.

Perhaps we can develop a consensus here about an interim restraint policy.

Mr. LEAHY. Will the Senator yield?

Mr. NUNN. How much time have I?

The PRESIDING OFFICER. Thirty seconds.

Mr. NUNN. I yield the remainder of my time.

Mr. LEAHY. I agree with what the Senator said. The Dole-Warner amendment says the United States has no obligation to abide with the SALT II Treaty unless it is ratified. I ask unanimous consent to put in the RECORD a quote from a study by the American Law Division which concludes that Congress has the authority to do what we propose with the Bumpers-Leahy amendment. The study states that an action such as we have offered is strictly a matter of domestic law. It says no obligation or commitment under international law would be created by adoption of a measure such as ours. Those who support Bumpers-Leahy can easily support the Dole-Warner amendment. They are compatible. In fact, if anything, they tend to be somewhat symbiotic.

Mr. President, the citation comes from a study done by the American Law Division of the Congressional Research Service in 1982. At that time the Foreign Relations Committee was considering a joint resolution to give the effect of law to the President's policy of informally abiding by the unratified SALT II Treaty.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

While the Resolution seeks temporary U.S. restraint on actions relating to arms ceilings which have been the subject of past SALT agreements, the obligations of which have or are likely to expire (i.e., SALT I) or which were never formalized (i.e., SALT II), it does not compel adherence to or ratification of such agreements in any formal sense. . . .

Although adoption of the Resolution may have certain external policy implications (which as with many asserted effects in a policy context are matters of individual perception), it does not create any binding legal international obligation. . . .

The Congress to all intents and purposes lacks the power to negotiate or to conclude an international agreement or to compel presidential actions along these lines. The Resolution, however, does not purport to do any of these things which assumedly intrude upon core Article II power. Instead, it would effectively write into law—of necessity, domestic law—a temporary and flexible policy to refrain from actions which would

constitute a radical departure from certain ceilings on specified nuclear arms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Mr. President, the Dole-Warner amendment is consistent with the Bumpers amendment which the Senate will be voting on shortly. The Dole-Warner amendment establishes conditions under which the SALT II Treaty should apply. However, the Bumpers amendment does not seek to enact the SALT II Treaty or any portion of it. It does seek to enact limits, because we must limit the arms race.

The fact that the limits in the Bumpers amendment are identical to certain limits in the SALT II Treaty is not the reason why we are seeking to enact those limits. Rather, we seek to enact those limits because those are the limits with which the parties had been complying until last December.

The source of those limits was the SALT agreement. But the reasons to live under those limits as long as the Soviets do is the wisdom of doing so, and the practice and experience of doing so. It is not because we are bound by treaty to do so.

These are the same reasons President Reagan himself decided to maintain the limits in the Bumpers-Leahy amendment for the first 6 years of his Presidency, despite the fact that he has repeatedly called the SALT II Treaty itself "fatally flawed."

The PRESIDING OFFICER. The Senator from Virginia had yielded time to the Senator from Wyoming, who is recognized for 2 minutes.

Mr. WALLOP. Mr. President, I said yesterday, and I meant it, that actions have consequences, that they are not taken in isolation. The Senator from Virginia correctly pointed out how actions were viewed. This is not a question of motivation. I do not question the motivation of the Senator from Arkansas or the patriotism of the Senator from West Virginia or anybody else. But I do question the judgment and I do question the consequences of those actions. The questions then remain: Who will think while the Senate dreams? Who will look to tomorrow while the Senate looks to today? Who will look to America while we look to politics?

Now, yesterday, we pointed out the second of two Soviet ICBM tests took place in a target area which bracketed the State of Hawaii. Today we find out that one warhead landed 100 miles from one of the Hawaiian islands, a U.S. possession in Hawaii, and within 200 miles of an inhabited island. The southern aim point is almost exactly the same range as Pearl Harbor. And an ELINT aircraft was reportedly fired on with a Soviet laser, temporarily blinding a crew member, that adds a fourth violation to the SALT II Treaty provisions which I will quickly read:

Each party undertakes not to develop, test or deploy ICBM's which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the heavy ICBM's, deployed by either party as of the date of signature of this Treaty.

The laser firing is also a clear violation in terms of interdiction of national technical means.

So I say to the Senate, as we look beyond the Dole-Warner amendment, that ideas and actions have consequences and the consequences are, as the Senator from Virginia yesterday described them, a message of thanks to the Soviet Union for their insulting provocation.

The PRESIDING OFFICER. The time of the Senator has expired. The hour of 9:30 having arrived, all time for debate on this amendment has expired. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from California [Mr. WILSON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—97

Adams	Glenn	Murkowski
Armstrong	Gore	Nickles
Baucus	Graham	Nunn
Bentsen	Gramm	Packwood
Biden	Grassley	Pell
Bingaman	Harkin	Pressler
Bond	Hatch	Proxmire
Boren	Hatfield	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bumpers	Helms	Rockefeller
Burdick	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cochran	Karnes	Sasser
Cohen	Kasten	Shelby
Conrad	Kennedy	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
Daschle	Levin	Stennis
DeConcini	Lugar	Stevens
Dixon	Matsunaga	Symms
Dodd	McCaIn	Thurmond
Dole	McClure	Trible
Domenici	McConnell	Wallop
Durenberger	Melcher	Warner
Evans	Metzenbaum	Welcker
Exon	Mikulski	Wirth
Ford	Mitchell	
Fowler	Moynihan	

NAYS—0

NOT VOTING—3

Garn	Kassebaum	Wilson
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So the amendment (No. 839) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Bumpers amendment. The time for debate on this amendment is limited to 30 minutes to be controlled in the following fashion: 15 minutes to the Senator from Arkansas [Mr. BUMPERS], 10 minutes to the Senator from Virginia [Mr. WARNER], and 5 minutes to the Senator from Vermont [Mr. LEAHY].

Who yields time?

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

Mr. WARNER. Three ways.

The PRESIDING OFFICER. Is it the intent of the Senator from Arkansas that the time for the quorum call be charged equally?

Mr. BUMPERS. That is correct, equally divided among the three Senators who control the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. How much time remains to the Senator from Vermont?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. What is the parliamentary situation? What is pending?

The PRESIDING OFFICER. The parliamentary situation is that under the previous order, the Senate has resumed consideration of the Bumpers amendment. The time on the amendment has been limited to 30 minutes. That 30 minutes is to be divided, 15 minutes to the Senator from Arkansas, 10 minutes to the Senator from Virginia, and 5 minutes to the Senator from Vermont.

Mr. LEAHY. Thank you, Mr. President. I wanted to make sure we were on it.

Mr. President, I yield myself 1 minute.

This amendment was debated at great length yesterday prior to the motion being made to table Bumpers-Leahy-Chafee-Heinz.

Most of my colleagues have heard the arguments. I do not need to repeat them again today other than to say this is not the SALT II Treaty. We are not seeking ratification by legislative amendment. In fact, the United States has no obligation to abide by the SALT II Treaty unless it is formally ratified.

The Bumpers-Leahy-Chafee-Heinz amendment is strictly a matter of domestic law. It creates no obligation or commitment under international law. What it does do, however, is allow every single Member of the U.S. Senate to tell their constituents where they stand on nuclear arms control.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. QUAYLE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, the Senator from Vermont is right. This Bumpers amendment is not the SALT Treaty amendment. It is only part of it. That is what makes it so insidious. You take a treaty that was never ratified and you take the part out that the Soviet Union wants to comply with and say that the United States ought to go ahead and comply with that, but the fact that the Soviet Union does not want to comply with the rest of the treaty is OK.

Basically, what we are saying today is that we do not care about treaty violations. The Soviet Union may enter into any kind of obligation but we will just bind them to the parts that they want to comply with. Obviously, they think it is in their best interests for the United States to comply with those sublimits. One of the numerical limits that is missing is the total launchers, the SNDV, strategic nuclear delivery vehicles. The Soviets have always exceeded that restriction.

So the Bumpers amendment does not include that numerical limit. It just includes what the Soviets say they want to comply with.

The question was raised yesterday by the distinguished Senator asking this Senate and the Nation, "Well, do you sleep well at night?" "Do you sleep well at night thinking about this?"

I can tell you that I do not particularly sleep well at night when I can see actions by the Senate that undermine our negotiators. I think a lot of Senators cosponsored this resolution back in January or February when it was introduced because they did not think that the administration was serious about arms control.

And some have even said that. Now they cannot say it and they do not say it. The administration, in principle, has an INF agreement. They have

been discussing a potential START talk. This amendment won't help.

No, I do not sleep well thinking that it is going to undermine our negotiators. I do not think I sleep well when I know, with impunity, the Soviets can launch test missiles close to the State of Hawaii, new missile types that violate the treaty that this amendment, in fact, want to force the President to obey.

Now, Mr. President, I would like to see arms control go forward. I would like to see our negotiators go forward. I would like to see a true generation of peace in the world be forthcoming.

Do I think we are going to get a generation of peace when you have absolutely no bipartisanship, when you have amendments such as these that undermine and undercut our negotiators? I do not think that is going to help establish a generation of peace.

I think you are going to have a generation of peace when you are willing to stand united and look the Soviet Union right in the eye and negotiate from strength, from a consensus, not one where amendments come up on the floor and the Senate or the House take contrary positions to our negotiators; amendments that come up on the floor that basically take the Soviets' position and not our position. That is not helpful to our negotiators.

Our negotiators have told us so. They have said in no uncertain terms that this amendment would be detrimental. They thought the other amendment on the interpretation of the ABM Treaty would be detrimental. But, despite what the negotiators say, we are going to go ahead with our amendment. We are going to go ahead and we do not really care, I guess, what our negotiators say.

So, no, I do not sleep well at night. I have concerns about what the Senate is doing. Because if you look at establishing a generation of peace, it certainly is not doing it by passing this amendment. It is very divisive when you are negotiating and making progress in Geneva, to have this kind of an amendment at this time and, on top of that, the incident yesterday. For some reason, I guess we just ignore the Soviet test firings with impunity. The Soviets can test launch a new type of SS-18, a new heavy missile, in violation, Mr. President, of the SALT II Treaty that we want to impose on the President. It does not seem to make any difference. We are just going to go our way. We are going to go our own way, very merry way.

So, no, I do not sleep well at night, and I do not think the American people ought to rest well at night when you have this kind of discord, this kind of divisiveness, this lack of consensus, when this administration, at a very, very sensitive time, is

making great progress toward arms control.

The thing that really troubles me about this amendment is that it celebrates the past. Because this amendment bounds us by launchers. Surely the Senate realizes now that launchers are not the key category anymore. It is ballistic missile warheads. And what does this administration want to do? They want to reduce the number of warheads. This amendment only wants to constrain launchers. It is an amendment of the past.

So if we are really looking at the future, if we are really looking at the future and concerned about establishing a generation of peace, we are going to have to side up with our President in these negotiations. We are going to have to support him. We can send messages. We can have speeches. We can send sense-of-the-Senate resolutions. But this is not a sense-of-the-Senate resolution. This is binding legislation, binding into law part of the SALT II agreement that the Soviets want us to comply with and ignoring the other part of the SALT II agreement that the Soviets violate. Because, heaven forbid, if the Soviets want to violate it, fine. We do not want to stand up and call them to account for that. That might be provocative.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. QUAYLE. I yield 2 minutes to the Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the Senator for yielding. I compliment him on the position that he has taken throughout this debate on this bill that is coming to a close.

I also compliment my colleague from Wyoming, who made I thought one of the finest, most heartfelt and intelligent statements I have heard on this Senate floor since I have been here.

Mr. President, I think we cannot ignore the basic argument of why we have a Defense Department in the first place. It is to preserve peace and freedom in the United States of America. Peace and freedom are inseparable.

I am reminded of Lenin, the architect and founder of our major adversary who said, "Probe with the bayonet. Probe with the bayonet. And when you hit softness, keep pushing. When you hit steel and hardness, back away."

I would have to ask my colleagues who are planning to vote for this amendment that is here before us and who voted yesterday, as this Senate did, if Lenin were alive would he think the performance of the U.S. Senate now under its new majority is that of steel and toughness or is it one that represents softness and would he continue to thrust and push with the bayonet after watching the performance here?

Then the vote that we cast yesterday and, as my dear colleague from Indiana said, to come in and have the vote that we just passed this morning on the Warner amendment, it is absolute inconsistency of the strongest order.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SYMMS. So I thank the Senator. I urge all colleagues to vote against this amendment and, if it passes, to vote against the bill.

Mr. WARNER. Mr. President, how much time does the Senator from Virginia have remaining?

The PRESIDING OFFICER. One minute and fifty seconds.

Mr. WARNER. Mr. President, I reserve that time for the distinguished Republican leader.

Mr. BUMPERS. How much time does the Senator from Arkansas have?

The PRESIDING OFFICER. Fifteen minutes and five seconds.

Mr. BUMPERS. I yield to the Senator from Rhode Island such time as he may use.

Mr. CHAFEE. Mr. President, we have coming down the track, hopeful of an INF agreement. And if that comes in the form that I believe it will come, this is one Senator that will support it. I believe that the majority, not only a majority, but an adequate number of Senators in this body will support that INF Treaty.

But it seems to me, Mr. President, unless we have these sublimits agreed to, the INF Treaty does not mean anything, because it is perfectly possible for the Soviets to have a short-range weapon, a weapon that will shoot in the reduced range, even though it has a longer range capability to do it.

And so when we eliminate the INF weapons and yet permit the Soviets to have an unlimited number of SS-24's or SS-25's they can shorten, either have a high trajectory of those weapons or reduce the range so indeed those weapons will indeed be an INF weapon. So the importance is to add such kind of limitation such as set forth in the SALT II sublimits or we are not getting anywhere with an INF agreement. And I bring that to the attention of my colleagues with the hope that they will support this amendment that the United States will continue to adhere to those sublimits and the Soviets will likewise.

If the Soviets do not, then all bets are off, and everybody knows this. This is not a unilateral agreement. This is not solely binding the United States. This binds the United States if the Soviets adhere to those sublimits.

So, for the sake of preventing an all-out nuclear arms race, but also for the future of the INF agreement, I would hope that my colleagues would support the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, I support the pending amendment. United States and Soviet adherence to interim restraints on strategic weapons and launchers is even more critical today than it was last year, when the administration decided to exceed the numerical sublimits in the SALT II Treaty.

The argument for maintaining numerical sublimits on strategic weapons and launchers is based on a careful calculation of our national self-interest.

Like all arms control agreements, SALT II was signed by the President because he felt that it enhances U.S. national security. By placing limits on strategic nuclear arsenals, the treaty provided a degree of stability that would otherwise have been unattainable.

To date, the treaty has imposed important limits on the Soviet nuclear forces. Between 1973 and 1986, the Soviets dismantled over 550 strategic weapons launchers, while the United States dismantled fewer than 50 such launchers.

More important are the implications for the nuclear balance if all restraint is abandoned by both sides. The Soviets are in a far better position to expand their nuclear arsenal because they have more active warhead production lines, and Soviet missiles can easily accommodate additional warheads. By 1994, without the treaty limits, the Soviets could deploy up to 31,000 strategic warheads; the United States is in a position to deploy some 23,000. Contrast that possibility with the strategic balance under SALT II: 14,000 Soviet and 12,000 American warheads—a far more equal and stable situation.

President Reagan cited the potential for rapid expansion of the Soviet strategic arsenal as his reason for deciding to abide by the sublimits contained in the treaty well into his second term in office.

Yet last November, the administration fulfilled its threat to exceed the treaty's numerical sublimits by deploying additional B-52 bombers equipped with cruise missiles. The administration continues to exceed the limits of the treaty, while simultaneously seeking an agreement to eliminate intermediate range weapons in Europe.

But a step forward is not progress if at the same time we take two steps back. Particularly because there is an important relationship between Soviet intermediate and strategic weapons, a success in INF negotiations cannot effectively substitute for abandonment of restraint.

The Soviets could easily negate the benefits of an agreement eliminating short- and medium-range missiles directed against Europe by deploying additional strategic weapons aimed at

the same targets. By abandoning strategic sublimits—thereby encouraging the Soviets to do the same—the United States is jeopardizing the potential benefits of the proposed INF Treaty.

Continued adherence to such strategic sublimits would buttress other arms control agreements, in addition to enhancing stability and limiting the number of Soviet weapons aimed at American territory.

Soviet compliance with the SALT II sublimits has been unchallenged until recently, when compliance with the sublimit on MIRV'd ICBM launchers was questioned. The administration suggests that the Soviets could return to compliance by completing dismantling actions that have been taken at SS-17 sites. But it is not difficult to imagine why the Soviets have now begun to stray from strict technical adherence to the treaty.

If the administration continues to flagrantly exceed the sublimits in SALT II—while calling the agreement no longer applicable—it will be only a matter of time before the Soviets deploy additional strategic weapons and purposely and permanently exceed the treaty sublimits.

This amendment will require the United States to bring its strategic arsenal back into compliance with the sublimits. It will not force the United States to abide by any part of SALT II which the Soviets do not observe; should the Soviets abandon the sublimits, the President can do the same under the amendment.

Unless Congress requires U.S. adherence to strategic sublimits, it is unlikely that the administration will voluntarily reverse its decision to exceed the sublimits set forth in SALT II. This is truly unfortunate, because American national security is strengthened by adherence to such sublimits. It is unfortunate that the administration has failed to recognize this fact.

I urge my colleagues to act to impose some interior restraints on strategic weapons and launchers. Such limits will provide a degree of certainty and stability essential for preventing nuclear war and restraining the arms race. In addition, maintaining strategic weapons limits will help ensuring that future arms control agreements enhance, rather than undermine one another.

Mr. BUMPERS. I yield myself such time as I may use.

Mr. President, I hope that the expression of optimism about the possibility of START talks being concluded one of these days is justified. Nothing would please this Senator more than for this President to be able to enter into an agreement with the Soviet Union to reduce warheads by 50 percent.

I personally do not think, based on the kind of weapons we have coming

down the pike and the amount of money we have committed to the B-1, to the Stealth, to the Trident, to the D-5, to the Midgetman, to the MX rail mobile, I honestly do not believe in light of all the money we have committed for modernization of strategic weaponry, that we are likely to get a 50 percent reduction. But I sure hope we do get that kind of reduction.

But I do believe one thing, I do believe that pending that happy day our negotiators will be infinitely better off starting from an interim restraint level, as provided for in this amendment, than they would be with just the United States unilaterally assuming that it can violate the numerical sublimits of the SALT II Treaty, which we are in flagrant violation of right now, and building as many launchers as we want and adding as many warheads as we want, without a Soviet response.

I deplore any suggestion that 55 Senators—who listened to 5 hours of debate yesterday and who believe that the arms race is already just about out of control and believe that our security is threatened by it because we think the more we have the less secure we are—that somehow or other their patriotism is called into question, I resent it and I deplore it and it is unbecoming of any Member of this body.

Mr. President, I did not put 3 years in the Marine Corps to stand on this floor and listen to that kind of nonsense.

We are talking about the fate of the planet Earth. We are not talking about who can stand here and beat his chest and engage in that macho talk about how the Soviets are in violation here and violation there. It is the United States that is in the most flagrant violation of all of the interim restraint numerical sublimits.

To be naive about Gorbachev or the Soviet Union is unforgivable. To be paranoid about them allows them to dictate the policy of the country instead of us dictating it. It is perfectly fine and right to have a healthy skepticism of the Soviet system and their adventures in Afghanistan and where ever else they can find an unlocked door. It is an intelligent approach. But to have a knee-jerk response to everything they do does not serve this country's interests.

So I think the negotiators will be infinitely better off starting from a level of 13,000 warheads on each side—which is about 12,800 more than either side needs to destroy the planet—they will be infinitely better off to start from that level than they would from a level of, say, 20,000. And if you saw the chart yesterday you see that by the year 1995 to 2000, the Soviets would have 8,000 more warheads than we have.

Our President, whom I wish well in these negotiations, in 1985, after he

had said in 1982 that we are going to comply with the SALT interim restraints as long as the Soviet Union do was asked: Mr. President, who on Earth are you doing this? Members of his own party challenged him very strongly on that. And he said: Because I found out the Soviet Union is in a much better position to take advantage of our breaking out of it than we are. He was dead right. We had charts all across that floor yesterday that showed that.

So you are looking at a Senator who strongly favors the Trident submarine—although I do think we ought to be building smaller ones so we do not put all our eggs in one basket. You are looking at a Senator who is probably going to vote for the Midgetman ICBM. You are looking at a Senator who is probably going to vote for the Stealth bomber. You are looking at a Senator who is probably going to vote for every single appropriation on the D-15 submarine-based missile. Because those weapon systems make sense.

I did not vote for the MX and the Senate came to its senses 4 years later and said: We made a mistake.

I did not vote for the B-1. Now we find blackbirds will take it down, but that is not the reason I did not vote for it. I voted against it because I knew the Stealth bomber was coming on.

So nobody here has a lock on patriotism or the security interests of the United States. I just think that interim restraints make sense.

I applaud the Senator from Kansas for coming with his amendment this morning to remove the idea that we are trying to ratify a treaty here with a simply majority. It was not my intention. I would not vote for the SALT II Treaty today. It has already expired.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. BUMPERS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kansas.

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 59 seconds.

Mr. DOLE. Let me indicate at the outset that I certainly, and I say to all my colleagues, have no quarrel with anyone's motives; certainly not to question anyone's patriotism. But I look at the amendment we just voted on differently, I guess, than the distinguished Senator from Arkansas because the amendment we just voted on outlines the constitutional steps we would have to take in order to bring life into SALT II. Now we are about to vote on an amendment which would legislate the SALT II numerical sub-

limits. I believe the two are inconsistent.

Say what we may, everyone knows the history of this amendment. Its sole purpose is to bind us to that one shred of SALT II which the Soviets apparently did not violate between 1981 and 1986—while we observed the treaty's every provision.

It hasn't taken long for most people to catch on. The Senator from Virginia has already shared with us a number of headlines which interpret the Bumpers amendment as precisely what it is: SALT II.

Look at the limits: 820 MIRV launchers; 1,200 ICBM and SLBM MIRV launchers; and 1,320 MIRV launchers and heavy bombers equipped with cruise missiles. These aren't exactly the sort of terms most people come up with at their dining room table. No—they're the limits a certain group of people—United States and Soviet SALT II negotiators—came up with. They wrote then down in article V.

I would ask unanimous consent that article V be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF STRATEGIC OFFENSIVE ARMS

(Signed at Vienna June 18, 1979)

ARTICLE V

1. Within the aggregate numbers provided for in paragraphs 1 and 2 of Article III, each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs, ASBMs equipped with MIRVs, and heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers to an aggregate number not to exceed 1,320.

2. Within the aggregate number provided for in paragraph 1 of this Article, each Party undertakes to limit launchers of ICBMs and SLBMs equipped with MIRVs, and ASBMs equipped with MIRVs to an aggregate number not to exceed 1,200.

3. Within the aggregate number provided for in paragraph 2 of this Article, each Party undertakes to limit launchers of ICBMs equipped with MIRVs to an aggregate number not to exceed 820.

4. For each bomber of a type equipped for ASBMs equipped with MIRVs, the aggregate numbers provided for in paragraphs 1 and 2 of this Article shall include the maximum number of ASBMs for which a bomber of that type is equipped for one operational mission.

5. Within the aggregate numbers provided for in paragraphs 1, 2, and 3 of this Article and subject to the provisions of this Treaty, each Party has the right to determine the composition of these aggregates.

Mr. DOLE. Make no mistake—this amendment legislates the numerical sublimits from SALT II.

Ignoring the conspicuous similarities with SALT II, proponents of this amendment argue that it is something else. What? Is it some new kind of arms control which only requires a do-

mestic law here in the United States? I doubt that such a process will yield desirable results.

Arms control agreements are packages of numerical and qualitative limits, definitions, verification, and many other provisions. People work very hard to put them together. Whether you think SALT II was a good deal or not—and I do not—it was package. Our negotiators argued that the qualitative limits were very important. But the Soviets chose to violate those provisions. It doesn't follow that we should enact the one bit of the package of Soviet choice into law.

I believe it is time to come clean. This amendment legislates compliance with bits and pieces of SALT II. It is not some new kind of arms control. It is not restraint which will help us get a start agreement. In fact, clinging to these sublimits in the face of Soviet behavior—and let's not forget the two missile tests off Hawaii this week—can only encourage them to dig their heels in.

I think article V is precisely where they came from. This one little part of SALT II has been plucked out and we want to now legislate that and it does legislate the numerical sublimits from SALT II.

So, I would just say that having indicated by unanimous vote, all those who were present, that we want to follow the procedure—I share the view of the Senator from Arkansas, I do not think SALT II could be ratified. It has already expired. We would have to change the date. A number of other things have happened since that time. But I would just suggest—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. I ask unanimous consent that the distinguished Republican leader be given a minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I do not need but 30 seconds.

I believe it is time to face up to it and we are doing that. We had a vote yesterday on a motion to table. Those who favor the amendment were clearly in the majority. I guess we could have carried on this debate for another 3 or 4 or 5 days, but I would guess with this amendment in the bill it is going to be more tempting for the President of the United States to veto the entire package, and I would urge that he do that.

It seems to me with the so-called Nunn-Levin amendment, which restricts his flexibility on SDI, because of the way the ABM Treaty would be interpreted, and now with this legislative effort to revive SALT II, it would seem to me the President would certainly be justified if these two provisions are still in the bill as it goes to the President to exercise his veto au-

thority, and I would urge him to do that. I would urge my colleagues that if this amendment is adopted, that we have a strong negative vote on the bill itself when it comes to final passage.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I ask unanimous consent that this Senator be granted time not exceeding 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have had a vigorous and fair debate and I say to my good friend from Arkansas and any others who may have misinterpreted my comments of yesterday and today as questioning their integrity or patriotism, we all stand in this Chamber on an equal footing when it comes to patriotism.

I have spoken to this amendment in the strongest opposition. So much has been said to date, I think the time has come for the vote.

Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Virginia has yielded the floor. Who yields time? The Senator from Vermont.

Mr. LEAHY. First let me just compliment the Senator from Virginia for those remarks. We had a long and thorough debate. The Senator from Virginia at all points in that debate went to the facts and the issues and I compliment him for that. Nobody questions the patriotism of any of the Members here.

I cannot imagine any Member of the U.S. Senate who would not want to see good, solid controls on nuclear weapons. We may approach it from different views.

I think that the Bumpers-Leahy amendment is absolutely essential. That is my view. I consider myself a patriotic American, a patriotic Vermonter. But it is my view.

It is my view for a number of reasons. Between 1973 and 1986, under the constraints of SALT II, the Soviets had to dismantle 550 strategic launchers. The United States only had to dismantle 48 to remain within the SALT ceilings. Through 1987, the Soviets will have to dismantle another 129 strategic launchers. Here in the United States, we have to come down 32. But if these limits are not restored by Bumpers-Leahy, by 1994 the Soviets could deploy 34,000 warheads and the United States about 20,000. We both have about 11,000 warheads each now. Can we really say that if we go from 22,000 strategic warheads divided between the superpowers today to 54,000 in 7 years that we really have arms control, or even more importantly, could we say that we have security?

You know, as that nuclear genie gets further and further out of the bottle, it becomes more and more difficult to

put it back in. At what point do we have such a huge number of strategic weapons at such hairtrigger readiness that no longer do we humans have control over what is there? At what point does this nuclear arsenal become controlled by electronic measures, by computers? Nuclear war is more likely to come by accidents, rather than by design. I cannot imagine somebody with sanity starting a nuclear war, but I can well understand an accidental nuclear war.

The more nuclear weapons, the more hairtrigger readiness, the more an accident leading to nuclear war is possible.

What we are doing here today is not demonstrating just our individual patriotism or individual concern. We 100 Members of the U.S. Senate are demonstrating, not only for ourselves and everybody we represent, but for our children and our children's children, what kind of a world we want.

I said over and over on this floor that my children are going to live most of their lives in the next century. This is part of the legacy we leave to that next century. This is part of the assurance we give those children and eventually their children, that there will be a next century, and it will be a century where the specter of nuclear war has receded somewhat.

I wish the President of the United States Godspeed and good will in efforts to try to lower the nuclear threshold. We can also say that we will at least start from a common ground.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUMPERS. How much time have I remaining?

The PRESIDING OFFICER. Five minutes twenty seconds.

Mr. BUMPERS. I yield myself the remainder of my time plus I ask unanimous consent that I be given an additional couple of minutes if I happen to need it to correspond to the time yielding to the minority manager.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I want to compliment the Senator from Vermont on the statement he just made because the point is well taken, that this amendment is not designed to help the Soviet Union. This amendment is designed to protect the national security of the United States.

I do not know how much more firmly that point can be made. They say liars can figure but figures do not lie. You saw the chart yesterday, and the President has said it, showing that the Soviet Union is in a much better position to take advantage of disregarding the SALT sublimits than we are. So how do we come out short on the deal?

How do Members of this body, for example, or the opponents of the

Bumpers amendment, explain the fact that six out of the last seven Secretaries of Defense favor the approach this amendment follows?

Do you think they favor the Soviet security interest over ours? Do you think Gen. Brent Scowcroft, who I believe was Gerald Ford's highly respected national security adviser and on whom Ronald Reagan has depended and turned to time after time for advice on security matters, favors the approach this amendment follows because he thinks it favors the Soviet Union?

Do you think all of our 15 NATO allies who favor this amendment and who join with us in the NATO alliance to resist communism in Western Europe—do you think they favor this amendment because they think it favors the Soviet Union?

What kind of nonsense is this? Talk about madness, thoughtless, this is it.

I know that if you want to bash the Soviets you do not have to think. It is the happiest of all worlds to bash the Soviets and the Kremlin because that substitutes for thinking where our real security lies.

I have seen people jump under their desks around here every time things like this come up. I invite the people of this body who understand the history of the United States to tell me one time that has ever served our interest.

The Vietnam war. All those arguments that were made about the Persian Gulf, I can show you in the CONGRESSIONAL RECORD, word for word, where those same words were uttered in 1965 through 1973 by people who insisted on continuing in Vietnam. "We cannot leave now. We are in too deep. We are obligated."

Let me just close with this little story, Mr. President.

My distinguished friend from Virginia, and he is a dear friend, will appreciate this because it deals with Robert E. Lee.

I read a book called, "Lee: the Last Years." It is the story of Robert E. Lee from the end of the war until his death.

After he offered his sword to General Grant at Appomattox, and General Grant very magnanimously refused to take it, he got on his beautiful white horse, Traveler, and started the long trek to Richmond where a home had been prepared for him.

Bear in mind Robert E. Lee did not want the South to secede from the Union; he did not want his beloved Virginia to secede. He was such a great general he was offered the commandership of the Union forces and he refused, saying he could never fight against his beloved Virginia.

This is not talking about the Senator from Virginia, but one of my heroes, Robert E. Lee.

During that trek, the people turned out in the villages and communities

and as he rode through town they cheered and gave the rebel yell. They were subdued militarily but not in spirit and they still saw Robert E. Lee as their hero.

The third day on the trip from Appomattox to Richmond he looked around to nothing but desolation as far as he could see, still rotting bodies in the fields and battlefields, and the South lay bare.

I have always said we have a certain character in the South because we are the only part of this Nation that has ever been occupied.

One day he looked and he saw all that desolation and waste over a war that he did not want, that he had tried to prevent. He turned to one of his aides and he said, "The politicians caused this. At a time when the country needed people to talk sanely and rationally, the politicians were feeding the hostilities, the bigotries, and the prejudices to the people until the war became inevitable. And at a time when all we needed were a few men of courage and wisdom and forbearance, we did not have them. This is the result."

I would never vote for anybody who does not understand history.

Mr. President, I yield the floor.
The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I wish only to say my admiration, my compliments, and my thanks to the Senator from Arkansas, the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Rhode Island [Mr. CHAFFEE], who joined in working so hard these past years on this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask for 1 minute to reply with my story on Robert E. Lee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At the conclusion of that divisive war between the States, Robert E. Lee's aide-de-camp wrote a book.

The book was entitled "The Unbiased History of the Civil War, From the Southern Point of View."

Mr. President, in clear words this is an effort to have the Senate adopt part of the SALT II Treaty.

The PRESIDING OFFICER. The Senator from Virginia has yielded the floor. The clerk will call the roll.

The Chair is in error; the yeas and nays have not been ordered.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. It will require unanimous consent to enter into a quorum call at this time. Is there objection to the quorum call?

Mr. LEAHY. This will be very brief. I ask unanimous consent to enter into a quorum call.

The PRESIDING OFFICER. Is there objection to the quorum call? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the call of the quorum be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous unanimous consent agreement, the vote is on the Bumpers-Leahy-Chafee-Heinz amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] and the Senator from California [Mr. WILSON], are necessarily absent.

Mr. BYRD. Mr. President, regular order.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—57

Adams	Exon	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Biden	Glenn	Nunn
Bingaman	Gore	Pell
Boren	Graham	Proxmire
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bumpers	Heinz	Riegle
Burdick	Inouye	Rockefeller
Byrd	Johnston	Sanford
Chafee	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Lautenberg	Simon
Cranston	Leahy	Specter
Daschle	Levin	Stefford
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker
Durenberger	Metzenbaum	Wirth

NAYS—41

Armstrong	Hecht	Packwood
Bond	Heflin	Pressler
Boschwitz	Helms	Quayle
Chiles	Hollings	Roth
Cochran	Humphrey	Rudman
D'Amato	Karnes	Shelby
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Stevens
Doile	Lugar	Symms
Domenici	McCain	Thurmond
Evans	McClure	Tribble
Gramm	McConnell	Wallop
Grassley	Murkowski	Warner
Hatch	Nickles	

NOT VOTING—2

Garn	Wilson
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So the amendment (No. 825) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I have become very concerned with recent reports that at some time in the review of this year's defense budget we may see an attempt to reduce funding for two new aircraft carriers the Navy has requested. As a senior member of the Defense Subcommittee, I have come to respect the immense conventional capability and tactical flexibility the aircraft carrier provides us.

Despite the significant leaps in military technology that we have witnessed in recent years, the United States remains an island nation dependent on the seas for communication, trade, and transportation. In the event of a conflict, the United States must be able to engage and defeat our adversaries while at the same time protecting sealanes over which 95 percent of our imports and exports flow.

However, the most likely and immediate use of our carriers will be in protecting our interests as well as the interests of our allies in a conventional crisis. In recent years when these crises have arisen, the carrier has proven itself to be the most powerful conventional weapon on the planet.

Moreover, in recent times we have experienced great difficulty securing basing and landing rights. Even when the airfields are securely in our hands, the radius of tactical aircraft is limited to 600 miles. It is unlikely that we will ever secure the vast number of airfields necessary to cover our vital interests. The carrier provides us with the platform necessary to protect these interests.

The Navy has anticipated the need to replace our aging carriers for many years and they have planned to begin work in two new carriers in the early 1990's. Therefore, it is clear that we save \$400 to \$700 million if we continue our carrier modernization without a break in production. This so-called heel-to-toe production line means the work force can without interruption, using an already well trained work force, continue production on the next carrier. Savings then accrue from more efficient material acquisition profiles, shipbuilding, learning curve benefits, and avoiding a reduction in the shipyard work force.

Finally, Mr. President, a couple of years ago I had the honor to sail aboard the U.S.S. *Eisenhower*, one of our fine great carriers. Seldom have I seen a group of more dedicated, knowledgeable and patriotic young men. Despite extended time away from family, friends, and comforts, they performed

their duties with a unique and splendid enthusiasm.

Ted Williams once asserted that the most difficult athletic feat was hitting a baseball. Likewise, Mr. President, there is probably no more difficult military task than a night carrier landing. It takes courage on the part of the pilot as well as great skill, concentration, and teamwork on the part of the skipper and crew. It is a remarkable act to watch. These young men should have the best equipment we can provide them. These two carriers will represent the pledge of support we must continue to provide them in a dangerous world.

Mr. DURENBERGER. Mr. President I rise today to share my views with my colleagues on S. 1174, the National Defense Authorization Act for fiscal years 1988 and 1989.

It has taken this body many months to reach the point we are at today: final passage of the defense authorization bill. This bill is, in many ways, a landmark. S. 1174 is the first time a biennial authorization bill has been reported by the Armed Services Committee. The move to a 2-year authorization, admittedly incomplete this year, is a welcome step toward increasing program stability and improving the quality of congressional oversight.

S. 1174 also signifies the commitment of the new chairman of the Armed Services Committee, Senator NUNN, and the ranking minority member, Senator WARNER, to looking beyond the details of program line items to the most important question: how our defense budget reflects U.S. national security strategy. Last January, President Reagan submitted his first report on national security strategy spelling out U.S. goals and objectives around the world. This document, along with the extensive hearings held by the committee, provides a framework for evaluating defense programs in larger context, and a means by which Congress can make difficult budget decisions in an era of resource constraints.

The national security strategy parallels my efforts while chairman of the Senate Select Committee on Intelligence to make a national intelligence strategy an integral part of the intelligence authorization process. I worked closely with the Armed Services Committee in their efforts to promote strategic planning. While the national security strategy as a product is not ideal, what is most important is that the administration is continuing the process of strategic planning in concert with Congress. And the American public can be assured that both the product and the process will continue to improve.

S. 1174 authorizes \$303 billion in defense spending for fiscal year 1988. This is a tremendous sum of money,

especially when our budget deficit is likely to be \$160 billion this year. Our overall defense spending will not end up, however, at this figure; the final budget figure will likely be closer to \$285 billion. But whatever the final figure, it is vitally important to recognize one fact: the years of large increase in defense spending are over and they are not likely to return in the foreseeable future.

It is more evident than ever before that Congress has been doing a good job of imposing budgetary realism on the Department of Defense. The 5-year defense plan for fiscal year 1982-86 proposed by President Reagan called for nearly \$1.5 trillion in defense outlays. The actual amount approved by Congress, however, is \$134 billion less for those years—a reduction of almost 10 percent. The administration has faced the reality of the budget constraints of the late 1980's. Their budget request for this year was more the \$8 billion less than the amount requested last year. The last 2 fiscal years actually represented a decline in defense spending after adjustment for inflation. The increasing realism on defense expenditures is due, in large part, to congressional unwillingness to jeopardize our economic well-being for ever-increasing defense spending.

Limitations on defense outlays are necessary but they cannot be indiscriminate. A strong national defense is absolutely imperative if America is to remain the freest and richest nation in the world. We cannot return to the days of the 1970's where neglect of defense needs led to a perilously underfunded and underequipped military. But increased expenditures, by themselves, are not a guarantee of a strong defense; our defense budget must be tailored to our national security goals. This is why the national security strategy is so important. And it is why this defense authorization bill is so laudable.

S. 1174 reflects careful deliberation and a deep awareness of fiscal realities and our defense needs. It is the product of difficult decisions that balanced defense needs with resources. Overall it is, I think, a good bill. In keeping with the Armed Services Committee's desire to focus on strategy and policy issues rather than micromanagement, fewer than 200 of the thousands of individual line items in the authorization request were changed. Three features—all positive—stand out in this year's bill.

SPENDING PRIORITIES

First, the committee made considerable changes in the funding priorities outlined in the President's request. The proportion of funds devoted to strategic force programs was decreased—to the benefit of conventional forces. Roughly 40 percent of the reductions in S. 1174 came from strate-

gic accounts which make up less than 20 percent of the budget. Yet, the reductions were made without sacrificing the viability of our nuclear deterrent. Funding for new capabilities for the troubled B-1 bomber was denied until current problems are solved. I have been a supporter of the B-1 in the past. I am, however, very concerned by the mismanagement of the program, especially in the plane's defensive avionics. The history of the B-1 is a nearly classic example of how not to procure a major weapons system.

Nearly \$2 billion was cut from Air Force intercontinental ballistic missile [ICBM] modernization plans. These reductions were made chiefly in two areas. First, funding for research, development, and testing for the small ICBM [SICBM] or "Midgetman" was cut to \$700 million. The SICBM was conceived as a means to address the issue of land-based ICBM vulnerability without further proliferation of what the administration rightly calls the most destabilizing weapons in the strategic realm: ICBM's with multiple independently targetable warheads or MIRV's. Where a MIRV'd ICBM offers an attacker the theoretical possibility of destroying 10 or more warheads with only 1 or 2 of his own weapons, a Midgetman would provide a disincentive for attack because it carries only 1 warhead. The prospect of using two warheads to destroy one would mean that even a most determined attacker would face the prospect of disarming himself if he chose to attack.

It is this feature of the SICBM that has made it so attractive to many supporters. The main drawback is, however, the cost which is anticipated to exceed \$40 billion for 500 missiles. Such a tremendous expenditure can be made only after a complete understanding of how the SICBM would complement our strategic deterrent into the 21st century. The current prospect of significant reductions in the Soviet land-based MIRV'd ICBM force, for example, could make the SICBM unnecessary—or it could make the case for SICBM compelling if deep warhead cuts create an incentive for single warhead systems. Given this uncertainty, S. 1174 reduces advance funds for the SICBM to \$700 million. This amount, while considerably slowing the pace of the program, is more than adequate should we decide at some future time to proceed to SICBM procurement.

MX ICBM

The second major reduction in ICBM funding is in plans to develop a new basing mode for the MX. This latest conception for the "missile without a home" envisions stationing the MX on trains stationed at military bases that would be moved onto the Nation's railroad system in time of

crisis. "Rail Garrison" basing makes no more sense than any of the more than 30 previous MX basing ideas. And as I have consistently argued over the past 6 years, the MX remains not only a missile without a home but a missile without compelling strategic justification. I would prefer to see no more tax dollars spent on a missile that is wasteful at best and dangerous at worst.

MAXIMIZING SAVINGS THROUGH ECONOMIC PRODUCTION RATES

The second major trend in S. 1174 is a move to take full advantage of economic rates of production. In response to the stretchouts proposed by the administration—slowing down of procurement in order to achieve savings in the current year—the committee increased a number of programs in order to maximize per unit production cost savings. As our experience with defense procurement since World War II has abundantly shown, short-term savings can be realized by slowing down procurement rates but only with greatly increased long-term costs. Many administrations have found it expedient to slow down production below economic rates thereby deferring major expense to future years. But deferred costs are sometimes deferred forever. When the time comes to pay, all too often we cannot. This is what is termed the "bow wave" phenomena when future funding requirements exceed future funding availability.

The stretchout problem was particularly noticeable in the administration's request for fiscal year 1988. One half of the largest 20 weapons programs were stretched out. Production stretchouts to achieve illusory short-term savings were evident in a wide range of systems; requested reductions of 25 percent of M-1 tanks, 49 percent for F/A-18 Hornet aircraft, 40 percent for E-2C Hawkeye early warning aircraft; 34 percent for AH-64 helicopters. And as production is stretched out, retirement age for current systems is increased, forcing out servicemen to fly older aircraft, drive older tanks, and use older weapons.

Several programs were canceled, slowed, or restructured in S. 1174 as well. One good example is the Navy's AEGIS shipbuilding program. The administration requested funds for two CG-47 cruisers and three DDG-51 destroyers in 1988 as well as advance procurement funds for two additional cruisers and three additional destroyers. The committee authorized funds for five cruisers in 1988, taking advantage of favorable pricing, but recommended against authorizing the procurement of the AEGIS destroyers. This approach allows maximum savings in the CG-47 Program by avoiding a stretchout that costs the taxpayer more in the long run, and also slows

down the DDG-51 Program to ensure well-paced development free of the problems that plague the B-1 bomber.

READINESS, SUSTAINABILITY, AND SUPPORT

Third, every effort was made to shield the vital areas of readiness, sustainability, and support from short-sighted budget reductions. While it is often the big-ticket weapons programs that attract the attention of politicians, journalists, and constituents, it is in these sectors that we find the heart of our forces. Readiness—the ability of our military to go to war if necessary—and sustainability—the ability of our military to sustain forces after deployment—are often overlooked because they are not as glamorous as aircraft carriers, combat jets, or nuclear missiles. Yet, tanks without spare parts, artillery without shells, aircraft without missiles, and soldiers without food are, to say the least, ineffective. And undermanned combat units with inadequate equipment and lacking necessary support cannot provide a credible deterrent.

While there is no doubt that our forces are more ready, more sustainable, and better supported than they were before President Reagan took office, much more needs to be done. Unfortunately, the administration's budget request did not reflect the commitment to readiness, sustainability, and support evident in prior years. Funding requests for spare parts are far below the levels projected by the services in their own reports. This year alone shows that the Air Force is funding only 52 percent of its annual spare parts requirements. Nearly one-third of Central Command's combat support units were not combat ready according to its own commander.

These examples are only two among many that illustrate how the improvements in sustainability, readiness, and support in the 1980's are imperiled by an inadequate commitment on the part of the Defense Department. S. 1174 reflects committee actions which understand the importance of readiness, sustainability, and support. Reductions made absolutely necessary by budgetary constraints were made as broadly as possible to allow for flexible implementation. And a strong signal has been sent to the administration that the Senate will not rob readiness accounts to pay for more weapon systems that may not be maintainable in the future.

This brief summary of the defense authorization bill does not exhaust the issues associated with S. 1174; to the contrary it is not the provisions regularly associated with DOD authorizing legislation that have drawn the majority of attention this year. As has been widely reported, it was section 233 of the bill that led to more than 4 months of delay between the committee passage and consideration of the bill by the full Senate.

ABM TESTING RESTRICTIONS AND TREATY INTERPRETATION

Section 233 or the "Nunn-Levin" provision was added by a close partisan vote during the Armed Services Committee's deliberations on the bill. Unlike the delay it caused, the provision is very short. It states that no funds in fiscal years 1988 and 1989 may be "obligated or expended to develop or test antiballistic missile systems or components which are sea-based, air-based, space-based, or mobile land-based." This limitation could only be removed through an affirmative vote by both Houses of Congress.

The language in section 233 is taken directly from article V(1) of the 1972 Antiballistic Missile Treaty between the United States and the Soviet Union. This clause, along with article II and agreed statement D, is at the heart of the debate over the reinterpretation of the ABM Treaty. The debate began in October 1985 when then National Security Adviser Robert McFarlane asserted that the United States could proceed with development and testing of ABM systems based on new or exotic technologies and remain in compliance with the 1972 treaty.

Since that time, the intensity of the debate has not diminished nor has its importance. Many consider the 1972 ABM Treaty to be an affirmation of the reality of mutually assured destruction and the cornerstone of the United States-Soviet arms control achievements. Others see it as a guarantee of perpetual vulnerability that constrains only the United States while allowing the Soviet Union to proceed to a nationwide defense against ballistic missiles.

It is clear that if the strategic defense initiative is ever to be more than a research program, the ABM Treaty will have to be modified. But in the interim the administration has evidently decided to posit an interpretation of the treaty which would allow development and testing—though not deployment—of ABM systems which use new technologies. And in response to the outcry from Congress and from our allies that followed the first announcement of the new interpretation, Secretary of State Shultz stated that the traditional interpretation would remain administration policy, although the new version was "legally justifiable."

I have a number of reservations about both the process and results of what one observer calls the great reinterpretation caper. It seems that the original study supporting the new interpretation was done to support a policy decision rather than as an objective analysis of the facts. Almost none of the U.S. participants in the ABM negotiations were consulted. Since Judge Sofaer, the State Depart-

ment legal counsel, first released his study, he has conceded that a number of errors were made. The administration bases its case on the three components of treaty interpretation recognized under international and domestic law: the negotiating record; the treaty as presented for advice and consent to the Senate; and the subsequent practices of the signatories. In each area, there is room for doubting the validity of the new interpretation.

The debate on ABM interpretation is vitally important to the future of SDI. If there is freedom to conduct not only research but testing and development of systems based on other or future technologies, SDI could proceed virtually unconstrained until actual deployment. If, on the other hand, only research is allowed, major portions of the SDI Program could proceed no further than the laboratory.

This year, the response of the Armed Services Committee to the reinterpretation debate was to add section 233 to the authorization bill effectively limiting SDI to the traditional interpretation of the ABM Treaty. As I indicated, I have serious doubts about the reinterpretation. On a matter of such importance for our future national security policy, I do not think that questions should be decided by teams of lawyers arguing over semantics. If the administration feels that the ABM Treaty is no longer in our interest, they should make the case openly and honestly. This is what some of the more forthright SDI supporters have argued. I will say, however, that if this were the issue before the Senate today, I would support the ABM Treaty as traditionally interpreted.

But the issue is not whether one believes that the ABM Treaty—however interpreted—is still in the U.S. interest. Nor is the issue, as some Nunn-Levin supporters have argued, simply a funding restriction similar to dozens of other restrictions placed by Congress on a wide variety of spending programs. The issue is whether or not the Senate should vote to bind an administration to an interpretation of a treaty that is contested.

It is my view that any modifications of interpretation should be negotiated between the signatories. Some in the administration have supported this approach as well, most notably Paul Nitze. In fact such an eventuality was envisioned in 1972; article XIV of the ABM Treaty lays out procedures for amendment through mutual negotiation. There is a regularly scheduled ABM Treaty review later this fall; I hope the administration will use it as an opportunity to explore areas of possible agreement with the Soviet Union rather than continuing on a course which does not have the support of Congress.

I supported the effort to delete section 233 of S. 1174 because, at this point, I do not feel that it is necessary for the Senate to legislatively mandate the traditional interpretation of the ABM Treaty. If the administration were not abiding by this interpretation, or if tests that violated the traditional interpretation were planned in the near future, the situation would have been different. And if the mechanism chosen by the authors of section 233 did not require affirmation by both Houses of Congress before allowing further testing and development—thereby granting the House of Representatives a veto over treaty-disputed activities—the situation would have been different. My reservations concerning ABM interpretation notwithstanding, I voted with 37 other Senators in an unsuccessful effort to delete section 233.

FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE

Since it was first proclaimed in March 1983, the strategic defense initiative [SDI] has generated more controversy than any other research program in American history. Some have seen SDI as providing defense for the United States that will, in President Reagan's words, "make nuclear weapons impotent and obsolete." Others see SDI as a colossal waste of money or, alternatively, as dangerous and destabilizing. But I have never seen SDI as either sin or salvation. Rather, it is a program designed to explore the feasibility of erecting defenses against the strategic nuclear weapons that have so deeply affected the world in which we live.

Activists supporting and opposing SDI—or star wars as it is sometimes inaccurately termed—have many questions to answer. Supporters of SDI have not made clear, and do not agree among themselves, whether SDI will enhance or replace deterrence. Some claim, as the President did in his original speech, that SDI will eventually so alter our current strategic situation that nuclear weapons would be obsolete. Others see SDI as a useful step to address more limited goals, such as defense of our ICBM silos. But in any case, few believe that SDI will provide a leakproof defense capable of halting 100 percent of a prospective attack—certainly not now, most likely never. And the problem of bombers and cruise missiles would remain unaffected as would other delivery options such as terrorist suitcase bombs.

Opponents of SDI do not agree either. While some denounce SDI as an enormous waste of money because it will never work, others oppose SDI because it may work. That is, many fear SDI would fundamentally change the balance of terror that we have lived with for three decades. It is argued that a world with strategic defense would be much less stable than

the present offense-dominant environment, especially in a superpower crisis. Both sides in the debate have scientists and studies which support their views and both sides are convinced of the correctness of their cause. It is important to note, however, even the groups that strongly oppose the administration's strategic defense program, such as the Union of Concerned Scientists, still support large expenditures for SDI research.

What I find most important about the debate on SDI is its central and unique feature: questions of policy and strategy are being openly and publicly debated before the system is even close to production and deployment. Unlike so many developments in the history of the arms race—the hydrogen bomb, the ICBM, the MIRV notable among many others—SDI is receiving the kind of political scrutiny that it deserves while it is still in the earliest testing phases. For once, we as a nation are discussing a vital national security issue in a generally informed manner and at time when momentum and technology do not lock us in to a single course of action. I am convinced that full debate of the range of issues raised by the SDI program before it is a fait accompli will, in the long run, ensure that U.S. national security will be best served.

I have many questions about SDI and as I indicated earlier, about the ABM reinterpretation. But while I did not view it as proper at this juncture to constrain the administration on treaty-disputed elements of SDI testing, I took a very close look at the funding request for fiscal year 1988 SDI research. When I examined the SDI request, I felt that a 65-percent increase over last year's funding level was excessive. S. 1174 recommends a 25-percent increase to \$4.5 billion but I felt that was also more than was necessary to maintain the robust research program that I support.

I did not feel it was wise to exempt SDI from the kind of budget cuts faced by the rest of defense programs. While our readiness accounts are barely adequate, I could not support a one-quarter increase in SDI. I am also concerned about the increasing share of the DOD research and development [R&D] budget devoted to SDI. In fiscal year 1984, SDI took up less than 4 percent of R&D while the fiscal year 1988 request would have consumed 12 percent of all defense R&D. By the administration estimates, SDI will use 23 percent of R&D funds by the early 1990's. I find this trend disquieting. An increasing share of our best scientific minds working on defense-related research, and an ever-greater share of our defense research is going to a program which has yet to answer many key political and strategic questions.

I also have some concerns about the direction and program architecture of

the current SDI account. More and more resources are being devoted to projects that would be most useful in an early deployment scheme. That is, many fear that SDI is being increasingly directed toward deployment of a system that be operational as soon as possible, without a full accounting of the merits. For example, funds for the space based kinetic kill vehicle [SBKKV], often touted as the best prospect for near-term deployment by SDI partisans, are more than doubled in the administration request for this year. While SDI goals still need precise definition, and while priorities are still shifting according to the dictates of scientific progress, it does not make sense to increase one program so dramatically. And I am worried that the drift toward emphasizing SDI components geared toward a premature deployment actually imperils the most promising, but longer term, technologies that are still a distant hope.

For these reasons, I joined 49 of my colleagues in supporting a reduction of SDI expenditures to \$3.7 billion, a level which only allows an increase for inflation over last year. The vote on the amendment, which I cosponsored, took place on September 22 and was tied 50-50. Vice President BUSH cast the deciding vote in favor of the higher spending level to break the tie. Though the battle for lower SDI spending was lost in the Senate this year, the extremely close vote sends a clear signal that there is a lack of consensus behind the program as structured by the administration. And SDI is likely to face further restraints in the conference on S. 1174 since the House only approved \$3.1 billion for next year.

NUCLEAR TESTING MORATORIUM

For the first time in the Senate, there was an attempt to mandate a 2-year moratorium on most underground nuclear warhead testing. As a long-time supporter of nuclear testing constraints, I looked at this amendment—drawn from S. 1106—very carefully.

I have long argued that a testing limitation are in the U.S. national interest. Halting or further moderating tests of nuclear weapons would be an effective means of slowing down the qualitative arms race. While much of the focus of arms control has been on crunching numbers, that is, the quantitative aspects of arms competition, much more dangerous advances in increasing weapons capabilities have occurred. As the SALT I agreement used launchers as the currency of arms control, the move to destabilizing multiple warheads proceeded without constraint. Continuing advances in warhead accuracy have led to growing concern about the survivability of the land-based leg of our strategic triad. Neither MIRV technology nor accura-

cy improvements could have happened had a comprehensive test ban been in place.

The history of negotiated testing limits illustrates both the difficulty and the promise of arms control. The Limited Test Ban Treaty of 1963 banned testing in the atmosphere, not only ended the threat of radioactive fallout but also made tests of the largest warheads very difficult. It was, however, more than a decade before the next accord was reached. The Threshold Test Ban Treaty of 1974, along with the Peaceful Nuclear Explosions Treaty of 1976, ended testing of nuclear weapons larger than 150 kilotons for military and nonmilitary purposes. President Ford did not submit the treaties for ratification. President Carter also did not submit the TTBT or the PNET for ratification but he opened negotiations for a comprehensive test ban. CTB talks were suspended when the Soviet Union launched its invasion and occupation of Afghanistan.

There has been little progress during the Reagan administration. I have expressed my concern over the lack of progress in testing negotiations on a number of occasions—in public and in private. In 1982 I introduced a resolution calling on the President to submit the TTBT and PNET for formal ratification and to resume CTB negotiations. The resolution had a small bipartisan group of supporters. I sponsored similar resolutions in succeeding Congresses and was pleased that the administration agreed last fall to submit the treaties to the Senate for advice and consent.

Both treaties were submitted this year and extensive hearings were held by the Senate Foreign Relations Committee. Much of the focus was on the verification provisions of the treaties. Since the TTBT and PNET were signed, tremendous advances in verification technology have addressed the concerns expressed by many over our ability to monitor compliance with the treaties. In particular, the continuous reflectometry for radius versus time experiment [Corrtex] measurement technique promises to reassure even those most concerned about verification. Corrtex measures the yield of a nuclear explosion through the use of a cable buried near the test site. Corrtex is accurate—especially if it is calibrated with controlled tests—and offers a high degree of confidence.

Because of concerns over possible Soviet violations of the TTBT, the treaties were submitted to the Senate with a number of reservations dealing with verification. While I am not as fearful as some are to ratify the TTBT and the PNET without conditions, the reality of arms control ratification is that verification concerns must be addressed for a treaty to be approved. The Foreign Relations Committee re-

ported the two treaties favorably in February but also favorably reported a resolution that recommends withholding a resolution of ratification pending the negotiation of further verification provisions.

I was pleased to see that Secretary Shultz and Foreign Minister Shevardnadze issued a joint statement earlier this month committing the United States and Soviet Union to further negotiations to strengthen the verification aspects of the TTBT and PNET. The statement also pledged to work toward a complete cessation of nuclear testing through mutual negotiations. As this brief review of the history of testing limits reveals, progress in arms control is often painstakingly slow. But impatience should not lead supporters of arms control to choose courses of action which are unwise.

The Hatfield-Kennedy amendment was, I regret to say, a course which I could not support. The Underground Nuclear Explosions Control Act would cut off all funds for 2 years for any nuclear testing over 1 kiloton, with two exceptions for reliability tests limited to one test site in each country. Verification provisions included in the amendment include onsite inspection, CORRTX, and 12 seismic monitoring stations. The moratorium could be terminated if the President certified the Soviets violated any of the provisions or if an agreement making significant reductions in the number of yield of tests was reached.

I support the goals of this amendment, and if a treaty were presented to this body along the lines of the arrangement proposed in the amendment, I would strongly support it. However, I do not feel it is wise or proper to legislate binding testing limitations at this time. Progress—limited to be sure—has been made in bilateral discussions with the Soviet Union. There is a better chance for a testing agreement now than ever before. I do recognize that hopes for an agreement are uncertain, as are all things in arms control until the ratification process is complete. And I recognize that some use deference to executive prerogative as a way to pay lip service to arms control—I do not.

Just because some who argue treaties should be made by the Executive are not friends of arms control does not mean that it is good policy for Congress to legislate what amounts to a test ban treaty. The Constitution provides that the President shall negotiate treaties and the Senate shall provide advice and consent. But it is not a proper role for the Senate to impose strict negotiating conditions upon a President—even if Senators are dissatisfied with progress toward an envisioned treaty. It was for good reason that the Founding Fathers conditioned treaty ratification on approval of two-thirds of the Senate. Treaties

are among the most important landmarks in our foreign policy; they often commit our Nation to a course of action for many years. Because of this, the drafters of the Constitution saw that treaties must have more support than a simple majority.

Due to my reservations about the approach in the Hatfield-Kennedy legislation, I voted with 60 of my colleagues against the amendment. My vote should not be interpreted as support for further testing of nuclear weapons; on the contrary, I will continue to pressure this administration to reach negotiated testing agreements before the Reagan era is over.

ANTISATELLITE WEAPONS TESTING

The Senate once again considered imposing a 1-year moratorium on the testing of antisatellite weapons [Asat] against an object in space. Antisatellite weapons are designed to attack and destroy the space-based satellites which the United States and Soviet Union use for vital military activities, including command, control, communications, and intelligence [C3I], as well as for crucial reconnaissance and surveillance missions. The Soviet Union has the only operational Asat system in the world, although it is based on the technology of two decades ago.

The proposed U.S. Asat system, on the other hand, is much more sophisticated. It uses a F-15 Eagle with a short range attack missile [SRAM], both specially modified for the Asat role. The most crucial component is a miniature homing vehicle [MHV] which detaches from the SRAM after launch, uses a variety of sensors to track the target, and destroys a satellite through impact at speeds approaching 11,000 miles per hour. The U.S. Asat system has been tested once against a Solwind P78-1 satellite in September 1985. The Air Force announced that the test was a complete success.

In the wake of the successful test, the House of Representatives passed an amendment banning Asat tests against an object in space for 1 year. The distinction of the target—an object rather than a point—is vital. Tests against a moving object are much different, and much more realistic, than a test against an arbitrarily chosen point. Satellites are not stationary objects; they move through space at speeds over 15,000 miles per hour. Asat supporters argue, and opponents fear, that tests against actual targets will make the U.S. Asat more potent.

In 2 previous years the Senate rejected efforts to ban Asat testing on the floor but agreed in conference to accept the House language. Since December 1985, there have been no U.S. tests of Asat weapons against objects in space. There are, however, important and valid arguments against im-

posing such a limit. The Soviet Asat program, though not nearly as technologically advanced as the United States effort, is operational. It has been tested over 20 times and has been deployed. Though it is capable of threatening only a portion of our space-based satellite assets, it is a threat our military planners cannot ignore. Many have argued that the best method to prevent the Soviets from using their Asat system in the event of crisis or war is through the development of a United States capability. Deterrence, it is argued, operates on the same principle in Asat as it does in other realms.

Some of the arguments made by Asat opponents need clarification as well. While many say we cannot militarize space, it should be clearly understood that space is militarized; satellites devoted primarily or totally to military missions have played vital roles in defense for decades. What is at issue is the weaponization of space—and that is a very legitimate concern. Supporters also sometimes argue that the United States is much more dependent than the Soviet Union on satellites. This is misleading. The fact is that both superpowers rely heavily on satellites for C3I. And certain Soviet satellites, particularly the radar ocean reconnaissance satellites [Rorsat's] and electronic ocean reconnaissance satellites [Eorsat's] which are capable of providing real-time information on United States naval and land forces, pose a very real danger to the United States in the event of conflict.

I am also concerned that a unilateral moratorium on our Asat program send the wrong signals to Soviet political and military planners. I do not want the Soviets to believe that they can develop, test, and deploy a weapons system—however rudimentary—and not worry about a United States response due to congressional actions. For these reasons, in the past I have opposed efforts to unilaterally constrain the development of U.S. Asat capabilities.

But the situation was different this year for three reasons. First, it is clear that United States-Soviet discussions on Asat limitations are moribund. There has been no movement in recent years and no new initiatives have been announced. In the words of the White House:

In regards to Asat, the United States has not identified any limitation proposals which are effectively verifiable and in the security interests of the United States.

This official policy statement, issued earlier this year, makes it abundantly clear that there is no interest in serious exploration of Asat arms control.

Unlike nuclear testing negotiations, Asat talks are going nowhere. This is not, in my view, a sufficient condition to support an Asat moratorium but it

is a necessary one. As I have indicated, I am very reluctant to restrict the President's flexibility in arms control negotiations. This is especially true when ongoing, constructive talks are continuing. But on Asat, they are not.

While some compare the testing and Asat moratoriums, they are different in another respect as well. While warhead testing has gone on for years, the F-15 Asat program is still in the developmental phase. S. 1174 authorizes over \$206 million for the F-15 Asat program but did not approve funds for advance procurement. The report also points out that if the moratorium on testing continues, the program will have to be canceled or at least restructured. Notwithstanding the single successful test in 1985, the program is not free of problems. And the ongoing SDI research program will, inevitably, yield much more advanced Asat capabilities than the F-15 MHV simply because it is much easier to destroy a soft target traveling on a predictable orbit than it is to destroy a small, hardened reentry vehicle on a previously unknown trajectory.

Finally, I voted in favor of a ban on Asat testing because I feel that time is running out for the prospects for a solution to the Asat issue, short of unconstrained offensive competition. The Soviet Asat system is operational but only threatens low-level satellites. Rather than continuing on a course which could very well lead to an expensive Asat race with an uncertain outcome, a much better answer would focus on two areas: serious negotiations and protection of threatened satellites. I have expressed my dissatisfaction with the stagnant Asat discussions. But I am equally distressed that the administration paints the Soviet Asat threat in dire terms but has not requested adequate funds to address that threat through defense rather than offense. We are certainly capable of developing countermeasures which would protect our satellites within reach of Soviet Asat. If the administration had as much interest in defending against Asat as they do in defending against ICBM's, we could make real progress toward Asat limitations.

The Kerry amendment was defeated 51 to 47 on September 22 but it is clear that the moratorium will continue due to House action. And we will be certain to face this issue again next year unless the administration reconsiders the F-15 Asat program.

SALT II COMPLIANCE

Senate consideration of S. 1174 marked another first in Senate history—consideration of legislation binding the United States to the numerical sublimits in the unratified SALT II Treaty. SALT II was the product of years of work by the Ford and Carter administrations. Originally intended to be a reasonably rapid follow-on to

the 1972 SALT I interim agreement on offensive weapons, SALT II was not signed until June 1978. As we all know, the agreement was never ratified due to the Soviet invasion and occupation of Afghanistan.

But SALT II was the subject of vigorous debate—in the late 1970's and in the 1980's. Reagan administration policy until last year was to observe the provisions of the accord as long as the Soviets did likewise. This changed in November 1986 when the 131st B-52 bomber with air-launched cruise missiles [ALCM's] was deployed without dismantling any existing launchers. This action placed the United States in excess of one key numerical sublimit of the SALT II Treaty.

The numbers in the SALT II Treaty are relatively simple. The United States and the Soviet Union are each allowed 2,250 ICBM launchers, submarine-launched ballistic missile [SLBM] launchers, and heavy bombers. Within this overall ceiling, three important subceilings were established: First, 1,320 MIRV'd ICBM's, SLBM's, and heavy bomber equipped with ALCM's; second, 1,200 MIRV'd ICBM's and SLBM's; third, 820 MIRV'd ICBM launchers. SALT II also included a number of other provisions. Among the more important are: limitation of only one new type of ICBM; ban on new heavy ICBM's; ban on the interference with national technical means of verifying the treaty; production limit of 30 Soviet Backfire bombers per year; limits on the number of ALCM's that can be placed on a bomber.

The deployment of the 131st B-52 with ALCM's last fall put the United States over the 1,320 sublimit on MIRV'd launchers and ALCM-equipped bombers. I felt, and continue to feel, that the United States has more to gain than to lose by maintaining our policy of observing SALT II limits. Though SALT II is by no means an ideal treaty, there is much in it that benefits the United States.

For example, the Soviets have more hot production lines for nuclear weapons. That is, the Soviets are in a better position to exploit the lack of any constraints than in the United States. Some estimates indicate that the Soviets could nearly double their total number of warheads in less than 10 years. This by no means insures that they will, particularly with the apparent shift in priorities publicly advocated by Secretary Gorbachev, but the possibility is clearly present. I do not see how allowing the Soviet Union to utilize their superior missile production capability enhances United States security.

SALT II also led to the Soviet dismantling of nuclear weapons. As they move toward deployment of their newest ICBM, the SS-24, they would

have to dismantle more land-based ICBM's if both sides were still observing SALT II. There is dispute over exactly how many weapons the Soviets have dismantled under the SALT II constraints, but there should be no dispute that the SALT II arms control regime is better than no limits at all.

For these reasons, I have supported efforts to urge the administration to observe SALT II. I have voted for amendments to previous DOD authorization bills expressing the sense of the Senate that the SALT II limits should be observed. I joined with 56 of my colleagues in sending a letter to the President last December requesting that he reconsider his decision to go beyond the limits. Unfortunately, he has not. And because he has not, the U.S. Senate considered legislation which would prohibit the expenditure of funds for any weapons systems which exceed the numerical sublimits of SALT II.

There is now room to doubt Soviet compliance with certain SALT provisions. SALT contains a limit on one new type of ICBM per side; ours is MX and the Soviet counterpart is the SS-24. Recent reports indicate however, that the SS-25 goes beyond the limits of modification allowed for old ICBM's. It certainly appears that the SS-25 is a second new ICBM. But the proper answer to this violation should be commensurate. That is, instead of violating the numerical sublimits, we could accelerate the deployment of the Midgetman small ICBM.

A second issue deals directly with the United States ability to verify Soviet adherence to SALT II. SALT II bans the encryption of missile telemetry—the test data radioed back to the Earth during an ICBM's flight so that performance can be monitored. The limits on telemetry encryption were included so that each side could monitor test missiles to ensure that they did not exceed certain parameters: such as throwweight, warhead numbers, or range. Encryption makes the monitoring of Soviet tests nearly impossible. And it undermines confidence in Soviet willingness to live up to SALT.

There are other problems with Soviet noncompliance as well. There are concerns that the SS-16, banned by SALT II, has in fact been manufactured. The SS-16 is essentially a SS-20 with a third stage added to increase its range significantly. If the SS-16 has been manufactured, it would add more grave concerns to other questions about Soviet intention to comply with arms control agreements. While I do not like the way verification has been used as a political football—often airing issues in public rather than fully utilizing the Standing Consultative Commission designed to resolve treaty compliance issues—Soviet actions cannot be ignored.

I am prepared to give the administration the flexibility it needs to negotiate arms control agreements. But I am also willing to see that the modest numerical restrictions contained in SALT II are observed while arms control negotiations proceed. Opponents of the Bumpers SALT II amendment argued that it would undercut our bargaining position at Geneva. But all this amendment does is require the President to continue on the course he followed for 6 years: observation of SALT II provisions not violated by the Soviet Union. It does not lay out the parameters of any future agreement nor does it bind the President to observance if the Soviets violate the sublimits.

Supporters of arms control, like myself, have been discouraged by the lack of progress in the Reagan years. But as in so many endeavors, patience and persistence can pay off. We are now very close to an agreement on intermediate nuclear forces that no one would have thought possible 1 year ago. It has been almost 6 years since President Reagan first announced the zero-zero option but through tough bargaining and a willingness to stick to our principles, it looks like an agreement will be reached before the end of the year.

There is evidence of progress in the strategic arms reduction talks as well. The Soviets have agreed in principle to a 50-percent reduction in nuclear forces, including deep cuts in their land-based ICBM's. I am hopeful we can maintain the momentum established in the INF talks and move to a historic strategic arms treaty next year. But ignoring the only numerical restraints governing—however loosely—the United States-Soviet arms competition does nothing to help us move forward. And requiring the President to return to his policy of complying with the limits in SALT II does not hinder us from moving forward.

CHEMICAL WEAPONS

Once again, I voted against further funds for nerve gas and chemical weapons. The Hatfield amendment, defeated 53 to 44, would have banned the assembly of 155 mm artillery shells filled with nerve gas for 1 year. Since assembly was scheduled to begin on October 1, 1987, this was the last chance to halt deployment of a new generation of nerve gas weapons. The United States did the right thing in 1969 when President Nixon announced a unilateral moratorium on the production of nerve gas weapons. My vote for the Hatfield amendment reflected my view that Nixon's decision is the right one for 1987 as well. I was disappointed that after more than 20 close votes in 6 years, the Congress was unable to prevent new nerve gas deployments.

The Pryor amendment prohibiting funds for the production of the Bigeye chemical bomb was defeated by the closest of margins, 49 to 48. Last year, Vice President Bush was needed to break a tie. That the margin of victory for chemical weapons was so slim is, in large part, due to the problems that have plagued the Bigeye program since its inception in 1963. Now, 24 years and six Presidents later, it still does not meet requirements. Though the Armed Services Committee pointed to poor Bigeye performance in its report on S. 1174 and cut \$20 million from the administration request, I voted to cut the remaining \$5 million. I did so because weapons that work poorly do not enhance deterrence and because I feel current stockpiles are adequate to prevent the use of chemical weapons.

There were other amendments relevant to arms control the Senate voted on during consideration of S. 1174. Two efforts by Senator HELMS were defeated. One would have authorized the Air Force to place 50 MIRV'd Minuteman III's into single warhead Minuteman II silos, thus placing the United States further in violation of the SALT II sublimits for no strategic reason. The other would have expressed the sense of the Senate that no treaty on intermediate range nuclear forces should be ratified until the President certifies that the Soviet Union is no longer violating the ABM Treaty. While Soviet actions, particularly the phased-array radar at Krasnoyarsk, raise serious questions about Soviet compliance, I do not feel we should link INF treaty ratification to Soviet actions in the ABM arena. Any INF treaty will have to stand on its own merits.

Although I support the vast majority of the bill and supported money of the floor amendments to S. 1174, I will vote against it because of one short section: the Nunn-Levin provision. This provision represents the linchpin of the administration's position on this bill; it will certainly lead to a veto. And I believe this body will sustain that veto. It is unfortunate that such an important and forward-looking defense authorization bill will stumble on such a seemingly small obstacle. The burden rests with the majority of this body who would not allow the provision to stand on its own—a course that would have given us a defense bill months earlier. But because they would not, I am forced to vote against the defense authorization bill—something I have only done twice before in my years in the Senate.

Mr. President, the actions taken on this bill are of vital importance for our national security. More than a thousand of my constituents have contacted me with their views on portions of this bill. They recognize, as do I, that

this bill addresses the most fundamental issues of our time: the nuclear arms race, the safety of our Nation, the security of our allies, war and peace. A single vote on final passage cannot convey the depth of any Senator's view on the range of complex issues presented. It can only communicate his or her judgment on the fundamental issues at stake. I believe the constitutional role of the President in treaty-making is the paramount issue before us today. At a time when this President is deeply engaged in the process of negotiation, to make us all more secure through the reduction of nuclear weapons, that issue overrides all others. That is why I will vote against this bill.

Mr. PELL. Mr. President, I shall vote in favor of S. 1174, the defense authorization bill for fiscal year 1988-89, because the measure includes many positive features notwithstanding its fiscal imperfections.

In particular, I support its important provisions relating to deployment of the strategic defense initiative. The Levin-Nunn proviso keeps faith with the ABM Treaty as it was negotiated 15 years ago, and properly gives Congress a role in determining when advanced testing and development of space-based defense can be undertaken.

Likewise, I am pleased that this bill reaffirms the sublimits on missile launchers originally specified in the SALT II Treaty. Maintenance of ceilings on our strategic offensive arsenals is a matter of critical importance, and I was pleased to join in cosponsoring the amendment offered by the Senator from Arkansas [Mr. BUMPERS].

In terms of specific provisions for the national defense, I am particularly pleased that the bill authorizes \$1.2 billion in fiscal year 1988 for the procurement of one Trident submarine. The Tridents are the most invulnerable and stable element in our strategic defense, and this bill authorizes the 15th in a fleet which is expected to number 20 operational Tridents by the end of the century.

I note also that the bill authorizes \$1.7 billion for the construction of three SSN-688 attack submarines and additional funds for advance procurement of the new SSN-21 attack submarine. While I am aware that the Navy has proposed to stimulate more competition in these procurements, I am very confident that the great resources in undersea technology residing in southern New England can match any challenge.

Passage of this bill—and its ultimate enactment—would break a logjam of provisions dealing with compensation, personnel benefits and health care affecting our service men and women and military retirees. I am especially pleased that the bill authorizes the re-

lease of funds already appropriated for family housing.

Notwithstanding these positive aspects, it must be noted that the bill unfortunately does not go far enough in reducing overall defense expenditure. While it is some \$8.6 billion under the President's budget, it is more than \$5 billion over the fiscal year 1988 budget resolution and some \$11 billion over the revised budget levels incorporated in the debt ceiling bill. I would have vastly preferred to see a bill which authorized less for SDI and which deleted funds for aircraft carriers and for chemical warfare.

On balance, the bill makes provision for a number of critical elements in our national security and I support it, albeit with some reluctance because of its magnitude.

Mr. THURMOND. Mr. President, I must regretfully join the majority of my Republican colleagues in voting against passage of S. 1174, the Department of Defense authorization for fiscal years 1988 and 1989. I vote no for several reasons.

First, the level of spending we will be allowed under the recently passed budget resolution is starting our Nation down the path to a position of weakness that we suffered in the late 1970's. The problem in the 1970's was that the President of the United States failed in his responsibility to submit to the Congress budget requests sufficient to our security needs. The problem today is that the Congress will not uphold its constitutional obligation to provide for the common defense.

Second, I am unalterably opposed to the Levin-Nunn amendment. I agree with my two distinguished colleagues on many things. But I cannot support them on this. Continued unilateral compliance by the United States with the ABM Treaty, while the Soviets violate it with impunity, is sheer folly.

Mr. President, my third and final reason for opposing this bill concerns the Bumpers-Leahy amendment that legislatively mandates our compliance with the SALT II Treaty, a treaty that, I might add, will not and cannot be ratified by the Senate.

My distinguished friend from Virginia, Senator WARNER, pointed out the irony of the Senate position on this matter when compared to Soviet activity, when he stated that they send us a missile and we send them a thank you note signed by 55 Senators. Unfortunately, that thank you note has now been signed by 57 Members of the Senate. Mr. President, I urge all of my colleagues to vote against passage of S. 1174.

Mr. SASSER. Mr. President, I rise today to express my strong support of S. 1174, the Department of Defense authorization bill for fiscal years 1988 and 1989. The committee, under the

able chairmanship of the distinguished Senator from Georgia, has authorized defense spending for a 2-year period for the first time. The committee's declared purpose for doing so was to improve congressional oversight, to improve DOD management of its programs, and to secure long-term cost savings. These are worthy goals to pursue. It is my hope that this new method will help to achieve them. The committee has forged what I—and many of my colleagues—consider to be an excellent piece of legislation, and I want to state publicly my endorsement of this 2-year authorization bill. It is certainly among the most important pieces of legislation this Chamber will pass.

A strong defense is absolutely necessary to the security of this Nation. This bill is about more than the different weapons within our defense system. The DOD authorization bill sets funding levels to pay salaries and benefits to the brave men and women who volunteered to defend our Nation. They are the crucial human element in our defense effort. Without them all the weapons, bases, buildings, vehicles, and equipment are useless. We owe them action on this bill.

This bill does contain authorization for our various weapons systems. These weapons are essential both to the defense of our Nation and to the fulfillment of our security commitments to our allies. In these times of war—both declared and undeclared—between both nations and nonnations which threaten our security, we cannot afford to appear to take the protection of our national security lightly. Funding for all the components of a strong defense for fiscal year 1988 and for much of fiscal year 1989 is authorized in this bill. The House of Representatives has already passed its national defense authorization bill. I am pleased that—after 5 months of fruitless efforts to bring this urgently needed authorizing legislation before the Senate, the Senate finally has the opportunity to move forward on these matters of vital importance to us all.

Mr. President, an important tactical weapon program in this bill is the AGM-65 air-to-ground Maverick missile. The Maverick's extreme versatility has made it an integral part of the Air Force, Navy, and Marine Corps' Tactical Defense Forces. Its versatility can be seen in a number of ways. This rocket-propelled missile has a penetrating blast and fragmentation warhead designed for launching from a variety of aircraft. The Maverick was developed to improve day, night, and adverse weather attack capability against an array of small, hard, fixed, and mobile targets. It is effective against tanks and armored vehicles, field fortifications, bunkers, and rein-

forced buildings. The Maverick is also well suited for strikes against small ships, parked aircraft, petroleum oil lubricant [POL] storage sites, surface-to-air missile and radar sites. In addition, Mavericks can be fired at a broad range of distances and speeds—including supersonic speeds. It can be launched from 10 different tactical aircraft, and up to 6 of these missiles can be carried on 1 aircraft.

Another important feature of the Maverick is its precision guidance systems. These air-to-surface missiles employ either electro-optical [TV], laser, or imaging infrared [IIR] technology. The electro-optical or TV guided missiles contain an electro-optical seeker which produces a TV image on a cockpit display. The laser-guided system homes in on a laser beam reflected off a target by a laser designating device, and the imaging infrared seeker forms a TV-like image by sensing the differences in infrared energy being emitted by the target. The missiles are self-contained and they are stored ready to use without requiring maintenance in the field. Their stand-off launch and leave capability, combined with their autonomous guidance systems, permit the pilot to fire at a target, then immediately veer away and out of danger—or to attack other targets—with virtual confidence that the target fired upon has been hit.

The Air Force made the original request which led to the production of the Maverick. The Air Force perceived a need for an extremely accurate missile with multiple launch capability which could be used for close air support and double as a standoff, hard-target weapon. I believe that the Maverick missile satisfies that tactical defense need. I am delighted that the Navy and Marine Corps—in addition to the Air Force—have taken advantage of these products of some of the best defense technology this country has today.

Now, Mr. President, I believe that the Maverick missile is an excellent addition to our Nation's tactical defense forces. I am sure that future technological developments will only enhance its already impressive flexibility. We live in perilous times in which formal declarations of war between nations are only one of many ways in which a country could find itself engaged in hostilities. Terrorism, hostage taking, guerrilla wars, hijacking for political purposes—all have the potential to draw us into conflicts. Such a wide range of conflicts requires versatility.

I believe, as I always have, that the United States should continue to work toward lessening the tensions which lead to military actions and to seek effective, nonmilitary means of doing so. However, the need to protect our vital national interests and to fulfill our commitment to our allies remains. We

must be prepared to defend our interests should the need arise. I believe that a strong, prepared defense force is the best protection we can have against any form of aggression from any quarter. The Maverick missile makes a valuable contribution to our defense force.

As I indicated earlier, Mr. President, the fiscal year 1988-89 Department of Defense authorization bill authorizes funding for this important weapon program. The bill authorizes \$354.6 million for procurement of 2,100 AGM-65D Maverick missiles. I fully support this funding level, and I am pleased that authorization for this and other vital weapon programs and our personnel needs contained in the DOD authorization bill is finally considered by the Senate.

Mr. DODD. Mr. President, I am pleased to support this bill and to vote for its passage. Before anything else, I would like to congratulate its managers, the distinguished chairman and ranking member of the Armed Services Committee, Senators NUNN and WARNER. I have not seen exact statistics on this question, but it is my strong sense that they succeeded in keeping their bill intact on the Senate floor to a much larger extent than was the case in any recent years. I understand they lost only twice when they voted on the same side of an issue, which was usually the case. Their success in keeping their bill substantially unchanged is a tribute to their expertise, the respect they enjoy from other Senators, and the cooperative spirit which infuses their activities on behalf of the Senate and the defense of our Nation.

When I praise their product I do not mean to imply that I am equally satisfied with each and every provision in this bill. That would be an unrealistic expectation with respect of a budget bill of this complexity and significance. I am particularly disappointed that we were not more successful in including provisions relating to a nuclear test moratorium, Asat moratorium, and chemical weapons. Nonetheless I hope that even our losing efforts on these issues will provide incentive for the administration to stay ahead of Congress, and pursue further arms control agreements. It is, after all, only the President who has the congressional authority to negotiate with foreign powers, only he can sign a treaty for us. I was, therefore, always very reluctant on an arms control issue to vote for binding legislation contrary to the President's wishes. On the other hand, Congress is not without authority in these matters. The Senate is a treaty maker under the Constitution, it can accept or reject international agreements. To be able to fulfill its function it must be informed, consulted, its advice considered. If that is not the case, the

Senate will find the way to assert its authority and prerogatives in this area.

I voted for the test moratorium amendment not because I believe that is the best way to further extend the limits on nuclear testing, but because it was a message indicating that many Senators are unhappy with the foot-dragging by this administration when it comes to limiting nuclear testing. I hope our message will prove to be effective. I was pleased to join a substantial majority voting for restoring U.S. compliance with the sublimits included in the unratified SALT II agreement. I think the compromise worked out on that issue, making clear that we do not feel obligated by the treaty itself, but realize the wisdom of continuing with the numerical sublimits, was an ideal way of putting to rest this contentious issue for the time being.

As for the funding level in this bill, for fiscal year 1988, it provides a real growth rate of somewhere under 1 percent. Under normal circumstances I would find this much too low, especially as it will be lowered further due to the lower House authorization figure. In recent years, however, we do not operate under normal circumstances. Due to the reckless deficit spending by the Reagan administration, this is simply what we can, just barely, afford. I have said this every year at about this time, and I repeat it again: We have to find a way to sustain a reasonable, moderate growth in our defense spending instead of the feast and famine cycles that we seem to find ourselves in regularly.

One major provision of this bill that I want to discuss is the so-called Nunn-Levin language on conditioning SDI test and development activities that would violate the narrow interpretation of the ABM Treaty on specific authorization by Congress. The debate over the interpretation of the ABM Treaty has, of course, consumed a great deal of attention in Congress ever since the administration decided that the ABM Treaty did not mean what we all thought it meant. This strange decision opened a whole Pandora's box of contentious issues on the division of constitutional authority with respect to treaties, the integrity of international law, and the trustworthiness of the commitments undertaken by the United States in the international arena.

Mr. President, my concerns in this debate went far beyond the merits of the immediate issue at hand, the question of what kind of test and development activities should we engage in within the SDI Program. My major concerns have been the credibility of the United States as a negotiating partner and also the preservation of a degree of cooperation between the branches of our Government that is

indispensable to the functioning of our constitutional system. None of these two fundamental concerns has seemed to disturb those speaking for the administration's position. That they have little respect for international law, was certainly not news. On the other hand, I was surprised by the bold claim that a ratified treaty means what the President asserts at any time that it means, regardless of what was presented to the Senate when its advice and consent was sought, or whatever the Senate thinks of a novel interpretation.

Mr. President, the division of foreign relations powers in our Constitution is largely ambiguous. I see a great advantage in this ambiguity, as it provides for the necessary flexibility, the capability to adapt to the changing world. By the same token, this ambiguity carries with it two assumptions. One, that the actual division of powers will always be determined as the temporary resultant of the struggle between the branches of the Government trying to check and balance each other. The other, more important but more often ignored assumption is that a certain sense of proportion, restraint, moderation will have to permeate even the most pointed clashes on the division of powers. It is not only arrogant to assume that one branch can totally disregard the other but it is foolish as well. If such views would govern our foreign policymaking the whole Nation would be the loser.

What I am getting to, Mr. President, is that these disputes must not be fought to the bitter end, seeking a definite and total vanquishment of the opposing position. At some point in the struggle, accommodation and co-operation has to put an end even to the most bitter clashes. The administration's handling of the ABM Treaty dispute indicated that this is not a lesson they ever learned or considered. As a result of forcing this issue, Congress had no choice but forcing its position as well. It came to the point when sometimes I worried whether the eventual cure will prove to be worse than the illness itself. I am not sure we gain, for instance, by writing into law exact rules on whether the Senate or the President has the right to interpret ratified treaties. In a way, both have that right. By formalizing the governing rules, however, we may get into a situation of utter chaos where we have a treaty meaning one thing between the United States and a foreign power, and another thing between the Senate and the President.

Of all the competing solutions offered to this dilemma, the one suggested by Senators NUNN and LEVIN proved to be the one that solves the problem while avoiding the potential pitfalls. Without trying to decide the constitutional question, it simply pro-

vided that the President cannot order activities violating the narrow interpretation of the ABM Treaty without seeking congressional consent. This solution leaves untouched the desirable ambiguity of the constitutional rules, while it fully preserves the authority of the Senate and the integrity of our commitment under international law. Senators NUNN and LEVIN ought to be congratulated for their leadership.

Mr. President, this bill continues a prudent modernization of our strategic forces. More importantly, it substantially increases funding for the much neglected conventional forces by buying more helicopters, tanks, and conventional missiles than the President requested. I am also very pleased that we provide for a 4 percent raise for our military personnel, which is the least they deserve.

My reservations notwithstanding, I think this is an excellent bill. It is a powerful expression of our dedication to continue to provide for our most important function as elected Federal officials, the preservation of the physical safety and integrity of our Nation. I vote for this bill without hesitation.

Mr. CONRAD. Mr. President, I will vote for the Department of Defense authorization bill because it contains an amendment that I proposed with Senators SASSER and METZENBAUM expressing the sense of the Senate that the President should negotiate with our allies for a more equitable distribution of the cost of defending our allies.

Over the past 6 years, we have doubled the national debt, and our trade deficit has increased sixfold. Further, the Federal budget deficit has reached unprecedented levels, rising from \$73.8 billion a few years ago to a peak of \$220 billion in 1986. Even after 4 years of recovery from a brutal recession, the structural component of the deficit—the part not attributable to slack in the economy—remains very large. Given these facts, America can no longer afford to spend over \$100 billion each year to provide the defense umbrella for our allies in Japan and Western Europe.

As I stated during the presentation of my amendment to this bill, the greatest danger to America's national security does not spring from diminished American military capability, but rather from American economic vulnerability. This Nation must begin to understand the consequence of huge Federal budget deficits, caused in large part by rapidly escalating defense procurements. America simply cannot afford to say "yes" to every weapons system, and we must enact a defense budget that forces the Pentagon to prioritize. The Defense Department authorization bill before us does not force the Pentagon to make those choices and, if implemented, would

jeopardize our chances of bringing the budget deficit under control.

This week the President signed legislation to raise the public debt limit from \$2.3 to \$2.8 billion. This action, while necessary to keep the Government operating, was another onerous reminder of the deep economic problem that faces our Nation. It is imperative that Congress exert renewed vigor to bring the budget deficit under control. That is why in July I offered an amendment to the bill extending the debt limit that would have instituted a 2-percent across-the-board cut in budgetary resources excepting only Social Security, IRS operations, and the payroll tax-financed portion of Medicare. The amendment failed on a procedural vote.

For the same reasons, I want to serve notice that I believe the authorization bill for the Department of Defense provides more spending for the Pentagon than this Nation can afford. Accordingly, I will look to other legislation, including the appropriations bill for the Department of Defense, to force the Pentagon to make sound procurement choices and to reduce the enormous amount of money that this Nation spends for the defense of its allies.

The PRESIDING OFFICER. The clerk will now read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read a third time.

Mr. NUNN. Mr. President, I ask unanimous consent that H.R. 1748, Calendar Order No. 141, be laid before the Senate and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. That is the previous order.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1748) to authorize appropriations for fiscal year 1988 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for fiscal year 1988 for the Armed Forces, to authorize appropriations for fiscal year 1989 for certain specified activities of the Department of Defense, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 1174, as amended, is inserted in lieu thereof.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the managers have 30 minutes each under their control, for final debate on H.R. 1748, as amended.

Who yields time?

Mr. NUNN. Mr. President, I do not anticipate on this side that we are

going to have any Senators who want to speak any more. We have had a long debate, and I think a healthy debate, on this bill—too long for me, as manager of the bill.

I do not anticipate any Senators wanting to speak further on this bill, and I have no further remarks, unless it is in response to some made by others, so I yield the floor.

Mr. WARNER. Mr. President, the Senator from Virginia and other Senators on this side of the aisle will have the opportunity to utilize time. We are waiting for the Senator who indicated a desire to go first, so until his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. NUNN. Mr. President, I want to thank, before he makes a few remarks, the Senator from Illinois for an outstanding job as a subcommittee chairman and also for the tremendous help he has given to the management of this bill.

Without the Senator from Illinois, we could not be approaching final passage of this bill today. I thank him so much for his help, and I yield so much time as the Senator requires.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I briefly respond to my very warm and dear friend, the distinguished chairman of the Armed Services Committee, by saying it has been a great privilege for me to work closely with him through the entirety of this year to craft what I consider to be under the fiscal constraints we face the finest Department of Defense authorization bill ever drafted by the Armed Services Committee of the U.S. Senate. I also want to congratulate the majority and minority staffs for their hard work, especially David Lyles and Bob Bayer on my subcommittee and Ron Kelly, Ken Johnson on the minority side for a job well done.

May I say with every consideration for those friends of mine, who I see on the floor from the other side, that while I understand their reservations about one or two provisions of this bill, I think I can safely say in their presence that, with those one or two exceptions that they have strong objection to, the fundamental content of this bill is excellent.

Every single solitary member of the Armed Services Committee, whether in the majority or the minority, was fully consulted on every single issue that was presented in every subcommittee of the Armed Services Commit-

tee and the full Armed Services Committee hearings on the ultimate product of the committee's work effort, over many months.

A long time has elapsed since that time. There was an extensive filibuster about the so-called Nunn-Levin amendment to the bill which has ultimately been resolved in favor of retaining that provision in the bill.

There have been some disputes obviously about the SALT question and about the war powers question. But essentially the basic precepts of this bill are excellent. I think they provide the strongest national defense possible with the amount of money that we consider available under existing circumstances.

I think all of that is a great compliment to an outstanding chairman, the distinguished senior Senator from Georgia, who was fair to all people in the committee throughout the proceedings and has been patient in what has been done on the floor of the Senate.

While we have had our differences, Mr. President, with the distinguished ranking member, the distinguished senior Senator from Virginia, who is on the floor, I want to say that I thank him for his consideration, his fairness, and his decent treatment at all points in the proceeding. He presented his point of view eloquently, strongly, and at the same time was fully cooperative, in every respect to help us to achieve the work product.

So, Mr. President, I think it is very seldom in the democratic process that you get a bill that everybody thinks is perfect, a bill that everybody is wholly satisfied with. But with the one or two exceptions that I have mentioned, the basic embodiment of this legislation, I think, is absolutely excellent, and I am very proud. Mr. President, to have participated not only at the subcommittee and committee level, but as an acting manager from time to time when my colleague was otherwise involved in trying to craft the unanimous-consent agreement or otherwise working off the floor with the other leaders to bring about this final product.

I congratulate him. I congratulate the Senate.

I will vote for this bill, Mr. President, with pride and with enthusiasm, and I am delighted to see that we are about to pass, in my view, a significantly important DOD authorization bill that will go to conference. I believe in the conference a fine bill will emerge and I am delighted that we have once again suggested that we are willing to meet our country's imperative needs in connection with our national defense.

I yield back the remainder of my time on this issue, Mr. President, and once again I thank the Chairman and I thank the ranking member and all my friends on both sides who worked

so long and so hard on this work product.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am very grateful for the thoughtful remarks of my good friend and colleague from Illinois. This has been his first year as a chairman of the subcommittee and indeed he moved into active participation in the managing of this bill over this long and arduous period. I would say he has won his spurs and we are glad to have him as a member of our committee.

Mr. President, I now yield 5 minutes to the distinguished colleague from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCain] is recognized for 5 minutes.

Mr. McCain. Thank you, Mr. President.

I also wish to join in expressing my appreciation to the distinguished chairman and minority leader and the other members of the committee who I believe worked on this piece of legislation in a total bipartisan effort.

I think the spirit throughout the markup of this bill was one of a commitment to the defense of this Nation and its vital national security interests.

This bill I think, with one or two glaring exceptions, is an outstanding piece of work by dedicated Americans, including some outstanding staff members who have devoted untold hours in crafting this piece of legislation.

Unfortunately and even tragically, Mr. President, this bill will not be passed. It will be passed by this body, but it will be vetoed by the President. There are 38 Members of the U.S. Senate who have promised the President they will sustain his veto because we have cluttered this bill with unnecessary damaging amendments, particularly one so-called Levin-Nunn amendment. It is in violation of the tradition of this committee as I know it over a period of years. That tradition was to address this Nation's defense needs, not to legislate into law treaties which are being negotiated as we speak and not to undercut the role of the Executive of this Nation.

So I regret deeply, Mr. President, that I and 37 other Members of this body, at least, will not be able to vote for this legislation. I regret deeply that we cannot provide the men and women of the Armed Forces of the United States what they need. Unnecessary encumbering amendments to this legislation caused deep divisions within the body and indeed deep divisions within the committee.

We have undercut our negotiators. We are achieving in this legislation what the Russians are unable to achieve in their negotiations. I think that to do such a thing to the men and

women who serve in the Armed Forces of the United States is disgraceful. I am sorry and deeply regret that we will, for all intents and purposes, abrogate the responsibilities of the armed services authorizing committee to the appropriator because it is abundantly clear that under the present circumstances there will be no bill passed into law as long as it is encumbered with the amendments which I described.

I deeply regret making this statement, Mr. President, because I think that if there is a signal that we need to return to doing the business of providing the Armed Forces with the equipment they need to carry out their duties, it is what we have done to this piece of legislation today, and I hope all of our Members recognize it and next year we can go back with the same spirit of bipartisanship which was the trademark of crafting this legislation and leave unnecessary legislation off of it.

If SALT II amendments are necessary, if abridgements of the ABM or encumbrances to the ABM Treaty are called for, those should be the subject of separate pieces of legislation, not part of the defense authorization bill.

I yield back my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield a period of time not to exceed 5 minutes to the distinguished Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for yielding.

In my 9 years in Congress I have never voted against a defense authorization bill. I intend to vote against this one. I intend to vote against it because we are giving the Russians in this bill what they cannot win at the bargaining table and what the United States Senate was unwilling to give them when it refused to ratify SALT II.

But in our discussion about what we have done here about tight budgets, I want to remind my colleagues what we have not done. Our current low tier budget figure, since Ronald Reagan is not going to sign the whopping tax increase envisioned in the Democratic budget into law, calls for a budget authority on defense of no higher than \$289 billion.

This bill authorizes \$303 billion, \$14 billion more than we all know is available to spend.

But, more importantly, it authorizes \$10.4 billion in actual outlays this year less than is provided for in the budget.

Now, I want to remind my colleagues what \$10.4 billion of outlays cost. If we terminated all the shipbuilding programs under way, if we terminated—

Mr. NUNN. Will the Senator yield for a brief question?

Mr. GRAMM. Not until I finish the statement.

If we terminated all the shipbuilding programs underway, if we terminated all the aircraft construction programs underway, if we terminated all the missile construction, if we terminated all the construction of wheel and track vehicles, and if we eliminated SDI, we would not save \$10.4 billion. In fact, Mr. President, if we had written a defense budget that met the low-tier budget figure that was adopted by this Congress, that bill would have never passed the committee and would have never passed the U.S. Senate.

The point I am making is that we have not addressed the tough issues here. We have provided an authorization bill, except for the two disarmament features which does not come under the jurisdiction of our committee, in my opinion. I thought we were supposed to keep Ivan back from the gate. I did not know our responsibility was trying to go out and civilize him. That is somebody else's jurisdiction.

But if we were writing an authorization bill that complied with the budget figure we would not have the happy state of feelings that exist here. I think the authorization bill is an excellent bill, other than the two features I object to, but the sad reality is we are going to have \$10 billion less to spend and that is going to produce a level of defense expenditure and the funding of programs that the vast majority of the Members of the Senate will find unacceptable.

So I hope my colleagues will look at this bill. I hope they will decide that, in the very week that the Soviet Union has violated SALT II six times, three times on each flight test, where it has fired a test missile that has landed within 350 miles of the sovereign territory of an American State, we should not be binding the United States by the restrictions of that treaty that this very Senate refused to implement.

Second, at the very time that we are on the verge of negotiating an agreement with the Soviet Union, when our abilities in SDI and our technological breakthroughs have brought them to the bargaining table, we should not be imposing unilateral restrictions on our own ability to use that technology. It is not good policy. It does not make any sense. We ought not to be doing it. And I urge our colleagues to vote no.

I yield back the remainder of my time to the Senator from Virginia.

Mr. NUNN. Will the Senator yield for one brief question?

Mr. GRAMM. If it is on your time.

Mr. NUNN. I am glad to have it be on my time.

The Senator said this authorization bill was \$10.4 billion under the budget resolution. And I believe what he meant to say was "over."

Mr. GRAMM. It is over. I appreciate the distinguished Senator clarifying that. It is \$14 billion over an authorization, \$10 billion over in outlays.

My point was if we canceled all our shipbuilding, aircraft building, missile building, wheel and track vehicle building, and the SDI Program, we would still be over budget in this bill.

Mr. NUNN. The Senator makes a good point. We said at the beginning of this bill that we would have a major job in conference in trying to get this bill within either part of the budget resolution, the upper tier or the lower tier. Certainly, if the Gramm-Rudman sequester goes into effect, we are going to have chaos in the defense budget. I know the Senator is not for that, but that sequester will take out \$4 billion based on the lower tier of the budget resolution that the Senator rightly pointed out would be very detrimental to the defense. I know the Senator is going to do everything he can to avoid a sequester by working to get some kind of agreement the Congress and the White House can agree on. And I certainly will join him in that.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, we have a number of speakers, but we do not, of necessity, want to try to monopolize. We are happy to yield to Senators on that side in a rotating basis, whatever the chairman desires.

Mr. NUNN. I believe the Senator from Alabama would like to speak for a couple of minutes. I yield the Senator from Alabama 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. SHELBY. I just want to say this bill is not perfect, but I am going to support it. We worked hard in the subcommittee. And I want to say that I appreciate the leadership of the chairman, the distinguished Senator from Georgia; the leadership of the distinguished Senator from Virginia, and other Members in fashioning this bill. No bill is perfect. I do not know if we are going to get \$303 billion. We might not get it or there is a good chance we are not going to get it or even get close to it.

But, after all, this is a good bill. I want to congratulate all of you—the floor managers, the subcommittee chairmen—that have worked so hard to bring it here. It has been a long time in getting here. I believe it is overall a good bill and I plan to vote for it later today.

Mr. NUNN. Mr. President, I thank the Senator from Alabama. I also want to thank him, while he is here in the Chamber, for being an outstanding new member of our committee. He made a very significant contribution. He understands the importance of defense. He stands for a strong national security, as do his constituents in Alabama. He has done a splendid job on our committee and has been a tremen-

dous asset to us. So I thank the Senator from Alabama.

Mr. WARNER. Mr. President, I join in that observation by the Senator from Georgia. And I would add also that on some of the tough votes, he votes right.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Wyoming may wish.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I ask the Senator to yield to me for no more than 5 minutes.

The PRESIDING OFFICER. That will be the order.

Mr. WALLOP. Mr. President, this is a difficult day for me, as well. I have never voted against a defense authorization bill in 11 years in the Senate. And, contrary to what my friend from Illinois has said—a man whom I admire greatly—it is not the strongest one possible by any stretch of the imagination.

The most unfortunate part of it, Mr. President, is that this defense authorization bill, for the first time to my knowledge in the Senate, has been politicized. It was politicized when it was brought from the committee with only one of the minority voting for it. That is a really genuinely unfortunate turn of events in the history of the American Senate's role in defending our country.

Were it not for that, it still would not be a good enough bill because it has bound our Nation's ability to defend itself against strategic weapons by both cutting the SDI Program and by binding our testing and development capabilities with the Nunn-Levin amendment.

More than that, it has now put the Senate into the role of interpreting treaties, not simply consenting to their ratification. It has put the Senate into a role that is totally outside its historic obligations, and it has done it in an essentially partisan way. It has now given the House of Representatives a role in the treaty process. It now seeks to enforce treaties or portions of treaties by majority vote, those which could not have passed the Senate of the United States.

Worse still, it embraces postures and positions taken by our adversaries in Geneva in the negotiating process, postures and positions which are contrary to those that this country has expressed, both publicly through the President and privately in our negotiating sessions with the Soviet Union.

By embracing those, I do not say that I impugn anyone's patriotism or even their motives. But the problem is, it is not the patriotism and the motives which affect the fundamental consequences of the actions that we take here. The actions are actions and

those are the things which emerge from this body, not the fine speeches, not the motivations, and not anybody's sense of America.

So, as we see violations by the Soviet Union ignored, provocations of a genuine nature accepted, an inability, even, to confront the Soviets' thoroughly provocative actions in Hawaii, all the while rejoicing in the so-called risk reduction centers and the prospects for lowering the threshold of war, I wonder what it takes to have us stop dreaming and start looking. I wonder what it takes to have us stop thinking of ourselves and start thinking of our country. I wonder what it takes, ultimately and finally, to get us to focus on the strategic circumstances that face our country and not the political circumstances which face each one of us. Because those, Mr. President, are the things which this bill does not address and, in some instances, even endorses.

Those, Mr. President, are things upon which the final judgments and the actions we take for our national survival depend; not the speeches that we make. The actions and not the motivations are my cause for concern; and the consequences, not the thought, are those things which lead me to say that with great and heavy sadness, I cannot vote for this bill and will do everything in my power to persuade the President to veto it and see to it the veto is sustained by a very massive percentage of this Senate.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. WARNER. Mr. President, if I could get the attention of the distinguished manager, Mr. NUNN, I would like to pose a question.

In my concluding remarks today I will place in the RECORD a letter from the President of the United States to me stating unequivocally his intention to veto this bill. One sentence in that letter states as follows:

The Levin-Nunn amendment imposes unilateral restrictions on the United States that are not enforceable in the Soviet Union.

I say to my good friend from Georgia, I listened with great interest this morning during the debate on the SALT, at which time he said as follows:

But I would also add, I do not support the Bumpers amendment and voted against it because I perceive, too, that it was basically putting a part of the Treaty into the law and I had a real problem with that.

I anticipate nearly 40 Members of this body will vote against this bill. The Senator from Virginia, regrettably, will be included. That vote against the bill—against a bill which otherwise is excellent in addressing the priorities of the Armed Forces of the United States—Mr. President, that vote against this bill will be because of two

provisions it includes: the one just voted on by the Senate regarding SALT II and the one placed on this bill by the distinguished chairman and the Senator from Michigan.

I ask of my good friend what he meant by the phrase: I felt that it was basically putting a part of a treaty into the law and I had a real problem with that.

If I might respectfully ask that your time be used in the response.

Mr. NUNN. I will be delighted.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Georgia has 21 minutes, 42 seconds. The Senator from Virginia has 11½ minutes.

Mr. NUNN. Mr. President, I say in response to my good friend from Virginia that I have never known my friend from Virginia to propose a meaningless amendment. I have always felt that the Senator from Virginia, when he proposed an amendment, had substance behind it and had an intent, a purpose, and clarity, because he is a great legislator.

I am sure that when the Senator from Virginia proposed, with the minority leader, Senator DOLE, the Dole-Warner amendment stating unequivocally that the Senate of the United States was not putting any provision of an unratified treaty into effect and was not binding the United States to comply with any provision of a treaty that had not been ratified, that the Senator from Virginia had a purpose in mind.

My purpose in voting against the Bumpers amendment, and I said I was against it and I voted to table it yesterday, was exactly what the Senator quoted me as saying. I was concerned that the implication was that we were actually legislating an unratified treaty by majority vote. But the Warner-Dole amendment cured that problem. If it meant anything, if it meant anything, it had to cure that problem because unequivocally it says that the Senate of the United States is on record as saying that this country should not have to abide by provisions of a treaty that has not been ratified.

I have to believe that the Senator from Virginia has been consistent with his record over the years and that he did not propose a meaningless amendment.

Therefore, if that amendment means what it says on its face, the Bumpers provision is not the enactment of an unratified treaty and it is not an effort to have the United States abide by an unratified treaty. It is a basic provision of law, if it passes. That provision of law says to the Soviet Union: We believe there has to be some interim restraint and we are going to stay within these ceilings which happen to be the same figures

that are in the SALT II Treaty. I personally think we will have to revisit that issue in conference—but it says that we are going to abide by this provided the Soviets do.

If you really look at it from a point of view of what position we are in now, this is the same position the President of the United States had for over 5 years until he decided, under a great deal of pressure from a number of people who felt strongly on the subject, that he was going to announce that we would no longer abide by that interim restraint regime.

But guess what he did? He had another interim restraint regime that he proposed. Not a very good one, but the point is that he had another one. The principle he espoused on U.S. policy now is not to exceed the overall limit of 2,520 strategic vehicles, provided the Soviets do not. I think he has a corollary saying that we will not build more missile warheads than the Soviets.

Of course, that is what the people who criticize SALT II said all along. The problem was there was no upper limit. When he says we will not build more than the Soviets, both sides can keep building.

I hope we can get a START agreement. I have said I think we have a 50-50 chance of getting a START agreement, which would be a remarkable achievement, provided we can get some START subceilings. That has not yet been achieved. Sublimits are necessary to ensure the survivability of our strategic deterrent. But if we do not get a START agreement, there has to be some restraint. President Reagan recognized that for 5 years. He had a lot of pressure to let us break out of SALT and show them we were tough guys. He decided he would go along with that advice, but then he substituted another interim restraint regime.

I am as disturbed by those Soviet missiles going over Hawaii as my friends on the Republican side of the aisle. I think it was probably not a violation of the Accidents Measures Treaty because they did notify, but it was what I call "D-U-M"—dumb. It is not smart for one superpower to fire missiles toward another superpower. That is the kind of thing that can start anxiety and can really start a war.

So I think I would agree with everything that has been said about the inappropriateness of that policy. I also believe that when the Soviet Union does violate a treaty, when they violate a treaty we have to begin to devise some proportionate response.

What have we heard about proportionate response from this administration? What have they suggested? I have not heard anything. I have not heard anything.

I do not believe proportionate response means we ought to go back and reinterpret the treaty. I do not think that. I think we have a duty to have a more creative policy than that.

I have not heard anything from the administration asking the Congress to do anything about the Soviet tests where they fired those missiles toward Hawaii. I have not heard them ask for anything. I have not heard them say anything. I have not heard the President say we no longer are going to abide by his current interim restraint policy which is 2,520 on overall launchers and no more than the Soviets build on warheads.

So I say to my friend from Virginia, his amendment did have a meaning because it changed the vote. There were two or three votes that came across that voted for Bumpers because we felt the Bumpers amendment had now been clarified by the Warner-Dole amendment. We felt the United States was going to be on record in a twofold way, one suggesting a new interim restraint policy until we get some kind of START regime, or an interim restraint to govern it if it never happened. I do think it will put a cap on both sides. The Soviets are taking out SS-17 missiles now. I do not think anyone on this side of the aisle wants to send a letter to the Soviets saying, "Don't take out any more of those SS-17's to comply with SALT II. You keep those missiles because we did not like SALT II to begin with. You just go on and keep them. It makes us feel better that you do not abide."

I do not think that is the message you want to send.

I think the message sent here is twofold. The Senate of the United States believes that there ought to be some interim restraint, and, second, the Senate of the United States does not believe treaties are binding until ratified. That is the message we are going to take to conference. I believe we can come out of conference in spite of the opposition at this stage with perhaps a consensus, perhaps a consensus between both sides of the aisle, perhaps a consensus with the White House.

The President has a right to veto this bill. He can veto it. He can veto it. He can veto it. He cannot pass an appropriations bill, though. He cannot fund the Army, Navy, and Marine Corps. He cannot fund the security of this country until he signs something into law. That is going to be up to the President. We will all work with him very constructively to see that that is done.

But I say to my friend I do not think treaties should be binding on this country until they are ratified. I think the Warner-Dole amendment was a great clarification of that and I was proud to vote for it. I believe the Warner-Dole amendment has now given us the clear kind of mandate in

conference to come up with an interim restraint regime that is not the SALT II Treaty but is a creative interim restraint regime that will govern the two countries in the absence of a real arms control agreement, which we hope to be coming.

I yield the floor.

Mr. WARNER. Mr. President, that representation by the distinguished chairman does give me great concern because throughout the hearings in the Senate Armed Services Committee we never had any testimony in terms of the numbers and what would be the proper framework of numbers if we were to embark in that direction, not one bit in the record.

Mr. President, if we begin in conference to reshape these numbers in a manner to establish that regime, then we have really indeed taken the first step into quicksand because anything as serious as that should only be done by the legislative branch after receiving extensive testimony from the experts.

Now, Mr. President, the time is running quickly. While the distinguished majority leader is here on the floor, I want to say to him how much I personally, and I am sure other Senators have expressed this to him, appreciate the leadership he has given throughout the lengthy consideration of this bill.

The unanimous-consent requests put together by the majority leader and the Republican leader I think will go down in history as great precedent. They are as complex as I have ever seen, but they worked. They have enabled us to get to this point.

Now, Mr. President, I yield 5 minutes to my distinguished colleague from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, first let me congratulate our ranking member, Senator WARNER, for a truly outstanding job. He is a very capable manager. I know from time to time that his general disposition is not to create confrontation and friction. I am sure that throughout this ordeal it has not been a terribly pleasant venture, but one he has handled with a great deal of credibility.

I also want to say my respect and affection not only for the chairman of the Armed Services Committee but the many other Members on that committee that I enjoy working with.

Mr. President, having said that, in a brief period of time let us just lay out the landscape here.

The bill we have right now is really an unparalleled confrontation with the President of the United States. We have essentially a Democratic Congress on a direct collision course with the President of the United States.

We might as well cast this for what it is. This is the opening round, the opening bell in the 1988 Presidential campaign.

Believe me, national security, defense spending, and the security interests of the American public are going to be debated.

So let us take a look very quickly at what the Democratic Senate, the Democratic Congress, will contribute to that debate? What will it offer? A defense budget resolution that will cut defense spending by 1990 15 percent below what we spent in 1985, below the Carter level, which everyone will agree was way too low.

Another Democratic legacy will be to undercut our negotiators during a very sensitive time of arms control talks.

Another legacy will be the adoption of Soviet arms control positions on the floor of the Senate contrary to the position of our own negotiators in Geneva.

Another legacy will be to ignore Soviet violations, to simply ignore Soviet violations, even violations committed on the day of a Defense authorization bill vote.

What a message, what a legacy, what a platform to take to the American public.

And finally, this legacy will be to take bipartisanship, which has been part of the Senate foreign policy for years, and shred it. That is unfortunate.

Perhaps we can regain that. I do not know. Time will tell.

I think as we look to some of the alternatives to this legacy that we are now being handed by this Congress and this Senate, we ought to take a peek at some of the good things that have happened in this country in the last 7 years. Respect and credibility of this Nation has been restored. It has been restored because of our investments in national security.

Let us take a look at some of the good things about the way the INF Treaty has been handled, the saying whether you are for or against the treaty, but let us look at the progress that has, in fact, been made.

Progress has been made because of our willingness to make an investment and to do the things that we said we were going to do. We were willing to look the Soviet Union in the eye and say, "If you do not get the SS-20's out of Eastern Europe we will deploy." They thought we were bluffing, that we did not have the political will. We showed them we did have the political will. As a result, we see progress toward real arms reductions.

But in that endeavor we had bipartisan support. We had support of our allies. Now we see this undercurrent where we have a direct confrontation between a Democratic Congress and a Republican President, a direct con-

frontation and I do not know where it will end.

It is a confrontation that certainly is not going to be an enhancement of our national security interests, one that I do not relish, one that I wish did not happen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Mr. President, I have consulted with the distinguished manager and the majority leader. It is the desire of the three of us to request unanimous consent that the Senator from Connecticut be permitted to proceed for a period not to exceed 10 minutes, and that that period be added on to the period of time under the current unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object, I do not want to object to the Senator from Connecticut speaking, but I have an airplane schedule. I wonder how long this will go on.

Mr. WARNER. Not more than 8 minutes longer than we originally planned.

Mr. SYMMS. We will vote at what time, then?

Mr. WARNER. I would assume the vote would start at 12:12.

Mr. BYRD. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. Mr. President, I hope we can get 10 minutes for the distinguished Senator from Connecticut.

Mr. WARNER. Mr. President, I am informed by the Republican leader that I am speaking on his behalf in this regard.

My BYRD. Very well.

Mr. WARNER. I have 5 minutes remaining in which I can address the subject.

Mr. BYRD. I wonder if I can have 3 minutes.

I do not want to take time away from the Senator from Georgia.

I ask unanimous consent that the distinguished Senator from Connecticut may have 8 minutes and that I may have 3 minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection—

Mr. EXON. Reserving the right to object to the overall request.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I want to clarify, the Senator from Nebraska would like to have 3 minutes.

Mr. NUNN. I will be glad to yield it. I will have time to yield to the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut is recognized for 8 minutes, the majority leader for 3 minutes.

Mr. WEICKER. Mr. President, I thank the distinguished majority leader, the distinguished ranking member, Senator WARNER from Virginia, and the chairman, Senator NUNN, for their constant courtesies during the course of the debate on this bill. I am going to be brief and probably take less than 8 minutes. I just want to make a concluding remark. The unanimous-consent request asks that the Weicker-Hatfield war powers amendment be put on the calendar in the form of a resolution and that it be in order for it to be called up at any time without debate by the majority leader after consultation with the Republican leader.

We are obviously not voting on the War Powers Act at this time. We will vote for the hardware of war, but we will not vote or participate in any decision as to the employment of that hardware. Not in this bill will the United States involve itself in the issue of war and peace. When will we vote on the War Powers Act? That is really the question, is it not? When will we vote? Will we vote, for example, at the next sinking of a ship, ours or theirs? Will that be sufficient reason to stir the Senate to action?

What kind of a body count will have to take place before we vote on the War Powers Act? Obviously, 2, 3, 4, even 20, 25 is too small a number of deaths, not sufficient to stir the Senate to action. What is the number required to have the Senate pass on the War Powers Act? I believe the cost estimate of what we are doing now in the gulf to be somewhere between \$1 billion and \$2 billion per year. Obviously, not enough to stir the Senate into action to vote on the War Powers Act. What is the necessary figure? These are all questions to be answered not just by the Senate but by the American people themselves because they are the ones who will pay the price both in terms of lives and in terms of dollars. When a missile is fired, one of theirs, or one of ours, is that sufficient to have us vote on the War Powers Act? Or, indeed, if any of these matters take place, will that further enflame the passions in this body and around the country to protect the President, to make sure that we never directly answer the question of our own involvement, rather to let it be answered by somebody else. Sooner or later the price does come out of every American's pocket or out of every American family. It is not that we mind paying that price but, rather, that under this great constitutional form of government we should have made the decision ourselves that we were willing to pay the price. That is what is at issue. It is not a question of cut and run. I know of no fainthearted souls on this floor or among the American public in terms of their patriotism

and their devotion to the Nation. That is not the issue.

The strength of this Nation is never truly generated to its greatest extent until the Nation itself makes the decision, not one man. That is what the framers of the Constitution realized when they put the matter of war and peace in the hands of the Congress. That is what had to be reaffirmed by the Congress itself when the War Powers Act was enacted. We really did not need it. We were just bolstering ourselves. We were reminding ourselves of the lack of courage we had displayed in previous incidents like the one we are confronted with now. We wanted to take that drink at the bar to give ourselves the courage next time to make the decision.

Well, next time is here and we still do not have the courage. But the price is going to be paid. It already has been paid. Maybe not sufficiently to stir us or the American people to action but it has been paid.

So this is not a matter of a debate as to whether we should or should not be there. It is really how we see ourselves and the role that we care to play in this great constitutional democracy. It never was designed to run itself. It could only run and run well if we ran it. That the U.S. Senate has refused to do, as has the President, turning our backs on the Constitution and the War Powers Act. We will vote. We will vote. The only question now is when.

I hope we will vote because of our recognition that we are a Government of laws, not because tragedy imposes the duty on us.

Our failure to enact the War Powers Act in reaction to events in the Persian Gulf, leaves this body missing in action. Missing in action. The Constitution of the United States and the War Powers Act of 1973. Unreported casualties.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. Who now yields time? The majority leader is recognized for 3 minutes.

Mr. BYRD. Mr. President, in completing its work on the defense authorization bill, the Senate has accomplished one of its major tasks of the year. The bill still has to go to a very difficult conference with the House, and we are told that it faces the threat of a Presidential veto. There is much work that needs to be done.

In acting on this bill over the past 3 weeks, the Senate considered more than 100 amendments. Many of them were adopted, often after complex negotiations. The two managers of the bill spent long hours discussing issues not directly related to this bill. I refer to the war powers issue, SALT II, and other issues.

I believe it is important to point out that of all the amendments considered by the Senate in its debate on this bill,

very few addressed the heart and substance of the bill; namely, the funds necessary to provide for the military operation of the Armed Forces of the United States.

So, it is a tremendous tribute to the committee, to the chairman, to the ranking member and the other members, that they were able to bring a bill to the floor authorizing more than \$300 billion for our national defense and have such widespread consensus on the basic content of the bill. Because so much time was spent debating arms control policy or policy in the Persian Gulf, other aspects relating to this basic achievement of the committee may have been overlooked.

Therefore, I want to take this time, Mr. President, to ensure that the RECORD shows that the Senate has approved a measure which provides strong support for our Nation's military forces, gives our men and women in uniform the necessary resources to do their difficult job, and guarantees our Nation's security.

Mr. President, I hope that the White House will not let its intoxication with the thrill of exercising the veto pen carry us away from reality. The President may veto this bill, he says. At some point, the President is going to have to face the issue of providing appropriations for national defense. If he vetoes this bill, then we know what is going to happen on an appropriation bill for defense. These issues will be fought all over again. If the President were to veto a defense appropriations bill, there will be the continuing resolution and the same amendments will in all likelihood, or at least some modification thereof, be offered to that vehicle.

At some point, there has to be a grappling with reality. This country's national security has to prevail over veto threats, and the sooner that the White House understands that, the better.

The President has complained about having one massive appropriations bill. He either has to take it all, or he has to leave it, he says. Mr. President, I am trying to accommodate the President. I have said from the beginning, the Senate is going to do its part in sending to the President, separate appropriations bills. If he wants to veto them, then he has to make that judgment.

Along that line, then, and in accordance with that thrust, let us send him an appropriation bill for the Department of Defense so he can accommodate his own desires by avoiding one massive measure in the form of a continuing resolution. I do not want to see these amendments tacked on to every appropriation bill that leaves the Senate.

At some point in time, the President is going to have to support the men and women in uniform in this country,

because it all comes down to the final lick log: it takes money.

I urge the President to go slow in using the veto pen, because sooner or later he is going to have to face a bill that pays the men and the women in uniform, and pays for the guns. That money bill may have these same amendments tacked onto it if he vetoes this Department of Defense authorization bill.

Mr. President, I again thank the managers of the bill and all Senators who have worked so hard, and particularly the Senator from Illinois, Mr. DIXON.

The PRESIDING OFFICER. The time of the majority leader has expired.

Who yields time?

Mr. EXON addressed the Chair.

Mr. NUNN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair. I thank my colleague from Georgia.

I would like to start out, Mr. President, by joining many of my colleagues who have saluted the Senator from Georgia, the chairman of the Armed Services Committee, and the Senator from Virginia, the ranking member of the Armed Services Committee.

I think one might make a wrong impression from what we have heard on debate. It so happens that the members of the Armed Services Committee, on which I am proud to serve, agree on about 90 percent of everything that goes into this bill. We have had rather extensive debate on things that we disagree on. That is as it should be.

I want to congratulate the Senator from Connecticut for the points that he has just made on the floor of the U.S. Senate which I think are well taken. We are appropriating money, not only for hardware but everything from the strategic defense initiative to the fuel for the jet aircraft, all of the ammunition, indeed the hardtack, down to the hardtack for the soldiers, sailors, marines, and airmen on the front line.

There has been some talk today, Mr. President, about what the Democratic-controlled Congress is doing. I am proud of what the Congress as a whole is doing, Democrats and Republicans alike. Sometimes I think it would be worthwhile if we did not make reference as we frequently do on the floor of the U.S. Senate to the differences in the political parties. We come together in a majority vote representing the people of the great United States of America who we are proud to represent here. And I simply say I am proud of the fact, Mr. President, that we are about to approve, I hope we are, and I

recommend a vote for the measure that we are about to vote on. It is \$302 billion—that is far more than we have ever appropriated before—compared with the previous record high of about \$296 billion last year. That sends a message to the Soviet Union and any other potential enemy that we are firm in our resolve to protect the national security interests of the United States and the free world, all of the arguments that are being made to the contrary aside.

Mr. President, I just came from the President of the United States. I told him we were going to pass the bill, and after we finished our tough conference with the House I would hope that he would sign it. But if he does not, that is part of his duty—to veto, if he does not agree.

I thank all for their cooperation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, I thank the Senator from Nebraska for his absolute unfailing devotion to his duty as chairman of the most important subcommittee dealing with the strategic weapons. It is enormously important. And he has done a splendid job. The Senator from Michigan handles everything and all matters in the conventional area. He has done a splendid job. These are two of our most important subcommittees, and I thank both of them for their great devotion to duty and the excellence of their work. I also thank them for helping on this floor in managing this bill.

I would yield such time to the Senator from Michigan—2 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Michigan, Senator LEVIN, is recognized.

Mr. LEVIN. Mr. President, let me thank first of all my friend from Georgia. The fact that this committee has been able to hold together so wonderfully as friends and as colleagues on this floor during this long debate is really a tribute to the leadership of the chairman of our committee, with the great assistance of the ranking member. Those two have been able to hold us together as friends, as colleagues, despite some type differences on issues, and we are all very much in their debt.

The Constitution, of which we celebrate the 200th anniversary of its birth this year, places some of the responsibility on the Senate for the security of this Nation. We adopted an amendment today, the amendment of Senator BUMPERS, which places some limits on the numbers of nuclear weapons. I believe that placing such mutual limits on nuclear weapons is as American as the Constitution and its Preamble, which requires us to secure the blessings of liberty not only for ourselves, but for our posterity.

Let me say one word about the amendment. We adopted that amendment not because we were obligated to by treaty—we were not—but because wisdom obligated us to do so and experience obligated us to do so. So, to reassure my friend from Virginia, it was not because any unratified treaty required us to adopt those limits. It was the lesson of experience—the greatest lesson of all, perhaps—which said that if we could put some mutual limits on the number of nuclear warheads, we would thereby be preserving the posterity of this blessed country for those who would follow.

Let me close by expressing my debt to the chairman of this committee, whose extraordinary integrity and intellect have guided this bill on the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, I thank my friend from Michigan for his kind remarks and for his excellent leadership on behalf of the Subcommittee on Conventional Forces and Alliance Defense.

I thank my friend from Virginia. We have had some substantive differences on this bill. Frankly speaking, if you took the whole bill, I guess our differences would be only about 5 or 10 percent. We agree on 90 percent of the matters. I think that is lost sometimes in the debate. That, I think, is true for our whole committee.

The Senator from Michigan put his finger on an important point. We have had vigorous debate and substantive differences, a couple of major differences. A couple of people on that side of the aisle will vote against the bill, and maybe some on this side of the aisle, and it will be for different reasons. Some will do so because the War Powers Act, as the Senator from Connecticut said, and because of the SALT II provision, some because of the Levin-Nunn amendment, which they opposed.

In spite of all those differences, I think we have maintained the kind of friendship and cordiality and civility that is absolutely indispensable in making this body work, and it is certainly indispensable in making our committee work. We have handled all kinds of difficult matters while we had a filibuster going on with respect to this bill, including some sensitive personnel matters.

So I think it is in one way a tribute to the institution that has fostered the kind of background that leads us to conclusions as Senators, as individuals, that we do have to work under, in spite of our differences.

I thank my friend from Virginia for leading the way in his key position as ranking member of the committee, allowing us to disagree and at the same time work toward providing for the security of this Nation.

Mr. WARNER. Mr. President, I deeply appreciate what our chairman has said, and I thank all members of the committee.

We talk about the quality of life in the Senate, and for this Senator that means, in large measure, the friendships we have—those personal relationships that enable us to work through the best interests of our Nation on these tough issues.

I say to the Senator from Georgia that I would only add a few words: On our committee, mutual respect and trust play a large part in our ability to achieve these ends, not only for our Members but also for the two distinguished leaders of this body. On the Senate Armed Services Committee, a member's word is his bond.

I appreciate the remarks of our distinguished chairman.

Mr. President, I think it most appropriate and courteous that our chairman be the last to speak.

In the little time remaining, I yield 1 minute to the Senator from Idaho.

Mr. NUNN. Mr. President, I yield the Senator 1 minute.

Mr. SYMMS. Mr. President, it appears that we have run out of time. I thank my colleagues on the Armed Services Committee.

Mr. President, this will be the first time since 1973, as a Member of Congress, that I have voted against an authorization bill for the Armed Services of this Nation. But I do believe that some of these issues, though they may be few in number, are of major significance and importance to the perception and the message of strength that our country sends to the future and to our adversaries, the Soviets.

I believe that limitations on the ABM interpretation and the confirmation of part of the SALT II agreements are significant enough that I urge my colleague to vote against the passage of this bill. I hope the President will veto the bill. This is an issue that is too important for the preservation of peace and freedom to casually pass through this Chamber without the good, healthy, vigorous opposition we have had.

I will be voting "no."

I thank my distinguished colleague from Virginia and my distinguished colleague from Georgia for the opportunity I have had, in the short time I have been on this committee, to work with the committee. I think that with the exception of those two or three areas, it is a very good bill, and there are some very good parts of the bill that I would be able to vote for, but I will not be able to do so.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WARNER. Mr. President, will the Chair advise the Senator from Virginia the time remaining?

The PRESIDING OFFICER. The Senator from Virginia has a little less than 3 minutes remaining. The Senator from Georgia has 3½ minutes remaining.

Mr. WARNER. Mr. President, this bill adopted by the Senate authorizes a fiscal year 1988 defense budget that totals approximately \$303 billion in budget authority and \$294 billion in outlays—representing slightly less than zero real growth over fiscal year 1987 funding. While the bill total exceeds both the high and low tiers of the fiscal year 1988 congressional budget resolution targets for the defense function, it contains over \$9 billion in reductions from the President's request for 3 percent real growth in defense. We will be faced with many difficult decisions in conference with the House of Representatives, since the House-passed version of this measure includes another \$14 billion in reductions from this bill.

During the lengthy debate on this measure, the committee's recommendations for military personnel end strengths and for improved personnel benefits were adopted by the Senate without significant change. The bill authorizes a 4-percent pay raise for military personnel effective January 1, 1988. This increase in pay, when considered with manpower strengths and benefits authorized by the bill, brings the total direct costs for military personnel in fiscal year 1988 to approximately \$78 billion.

The Senate approved the committee's recommendation for funding the operation and maintenance accounts of the Department of Defense. The Senate bill authorizes \$84.4 billion for these readiness-related accounts.

In the military construction and family housing area, the Senate agreed to a number of small changes but endorsed in large part the recommendations of the committee.

The Senate bill authorizes the full request for initial funding of two Nimitz-class aircraft carriers. In the Navy shipbuilding account, the bill also provides funding for procurement of one Trident submarine and three SSN-688 class attack submarines in the fiscal year 1988 budget.

In the area of strategic programs, the Senate adopted the committee's recommendations for strategic modernization. The Senate rejected an amendment to reduce funding for the strategic defense initiative over \$900 million below the committee-reported level of \$4.5 billion for the combined DOD/DOE program.

The chemical modernization program recommended by the committee was sustained in two Senate votes to table amendments seeking to reduce funding and limit production of chemical weapons. The Senate also rejected two amendments to limit underground

nuclear tests and to restrict testing of antisatellite weapons system.

The recommendations of the Committee on Armed Services have been scrutinized and debated at length in the Senate over the past 3 weeks. On the whole, I feel that the funding and policy decisions contained in this bill represent a balanced and thoughtful approach to meeting our national security needs.

Mr. President, this body also discussed at length the war powers resolution and its application to events in the Persian Gulf.

The distinguished Senator from Connecticut and others have given this body, and indeed the whole of our Nation, most thoughtful thinking on a most difficult issue. Our heartstrings pull when the Senator from Connecticut said Congress is unaccountable at this hour to the law of the land as expressed in the War Powers Act.

This Senator did his best—I am not suggesting others did not do their best—in trying to redraft, in the form of a proposal, a new approach to the War Powers Act, and that is a part of yesterday's RECORD.

The proposal—which removes from the War Powers Act those areas which I thought were of questionable unconstitutionality—expresses the sense of duty of this body, and Congress as a whole, to participate actively in our foreign relations, and not simply dart in and out; and we must do so in a timely way.

If our President is to report in 48 hours, then this body, in a matter of a very few days, should respond, and, after that short period of deliberation, should respond in an affirmative way:

Look the world in the eye and stand up, vote and be counted, by way of a joint resolution, expressing our approval for or disapproval of the actions of the President of the United States in the utilization of the Armed Forces of our country in the cause of peace. I expect the Senate will take further action with respect to the war powers resolution.

Mr. President, I now ask unanimous consent to have printed in the RECORD the President's letter of September 17, addressed to me, in which he says:

I must reiterate that I will be left with no alternative but to veto this legislation if it reaches my desk with the restrictions contained in the Levin-Nunn Amendment.

The President, later today, I am told, will address the Nation with respect to his grave disappointment concerning the SALT provisions, which have also been added subsequent to this letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 17, 1987.

HON. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR JOHN: I was pleased to receive your letter, consigned by thirty-three of your colleagues, concerning the Levin-Nunn Amendment to the Defense Authorization bill. In this regard, I want to register my profound disappointment that, despite your efforts, the Senate has voted to restrict unilaterally our ability to conduct SDI tests.

My Administration has given repeated assurances that we would consult fully with the Congress before making any decision to restructure the SDI program according to the broad interpretation of the ABM Treaty. Nonetheless, the Senate has chosen to preempt these consultations by the action it has taken today.

The Levin-Nunn Amendment imposes unilateral restrictions on the United States that are not enforceable on the Soviet Union. It undercuts our position in sensitive negotiations with the Soviets, and it could undermine prospects for achieving effective strategic defense. I must reiterate that I will be left with no alternative but to veto this legislation if it reaches my desk with the restrictions contained in the Levin-Nunn Amendment.

Sincerely,

RONALD REAGAN.

Mr. WARNER. Mr. President, I again thank my good friend, the chairman, and pay him the respect of allowing him to speak last on this bill. He has shown leadership. We would not be here today on this bill had not he given his untiring leadership to see that the bill was brought to the floor.

We will not finally decide who won the filibuster. For a couple months I held the high ground. Now the Senator from Georgia has the high ground. I hope he can work on this bill in conference so it can be acceptable to the President.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

The Senator from Georgia.

Mr. NUNN. Mr. President, I thank my friend from Virginia and I am sure we will be side by side in working with the House of Representatives trying to fashion a bill that can eventually become law in some fashion.

We have had, as I have mentioned a few moments ago, some differences here in the course of this debate. We have had vigorous debate.

But I can say to the Senator from Virginia, he mentioned the word "trust." There has never been any doubt in my mind where he stood. He has always laid it on the table, and I hope I have done likewise. We pulled no secret punches out of the bag. We let each other know where we stood and that is the kind of trust we have to have when we have these differences to make this institution and this democracy work.

So I thank the Senator from Virginia for his integrity and splendid leadership.

Mr. President, I want to say a couple of words. There has been a long period of gestation for this bill, and it is now coming to a conclusion as far as the Senate action is concerned. We had major hurdles and we have met major hurdles. We have overcome. We have major hurdles, as we heard here today, still standing in the way of this bill in terms of its becoming law.

It has been a long path starting last January when our committee began our first hearings. The major hurdles began when our bill was ready for Senate floor action on May 13 and everyone knows the story from there. The Senate spent 7 days just on the motion to proceed and once that motion succeeded on September 11, the bill has taken a substantial amount of the Senate's time—15 days. The Senate came in early, stayed late, and even worked on Saturday and Monday.

Mr. President, the reason we have had such productive and full use of the Senate's time is the cooperation we've had from all Senators. When we beat the bushes for amendments, Senators responded. They came in on Saturday and Monday and debated. I also benefited from the help of members of the committee in managing the bill. Senator EXON, Senator DIXON, and Senator SHELLEY spent many hours in the manager's seat. In particular, however, I want to thank the majority leader, Senator BYRD, for his willingness to permit this important bill to proceed to conclusion. At every step along the way, he was there to help work out procedures to move the process forward.

Mr. President, I want to thank my close friend, Senator WARNER, the ranking member of the committee, who was my partner in this effort. Without Senator WARNER's leadership on the floor and in the trenches, we would not be in a position to go to conference on this bill.

The bill still has many hurdles ahead. I hope the White House will keep an open mind. I intend to strive in conference to produce a report that can be enacted into law. That will take the compromise from all parties that has been evident on the Senate floor during the last few weeks.

Mr. President, I have a real concern I would like to discuss. I think all of us in this institution share a concern about what we are doing on the floor here. I am not talking about the filibuster and I am not talking about the two big controversies, SALT II or the Levin-Nunn amendment. I am dismissing all of that.

Those differences are always going to occur and should take a lot of debate. But we have had 118 amendments on this bill. Only three of those amendments have been the real contentious amendments. So 115 of them

have not been in the category that has caused a great deal of controversy.

That is more amendments than any Department of Defense authorization bill since the Senate first started the authorizing process in 1961. We had more rollcall votes—42—than any other Defense authorization bill. We have been on the floor more days than any defense bill except two in the heart of the Vietnam war years, 1969 and 1970.

This is a trend that I think we have to reverse. I do not know how you reverse it. I know Senator Goldwater was very concerned about this when he was chairman. He made the suggestion two or three times that the day we bring the bill out, we should vote cloture and that would cut off nongermane amendments.

I would say, Mr. President, that the Senate rules are unique. We each have the right to stand up and debate as long as we choose. We each have the right to propose any amendment to any bill whether germane or not. That may make us very powerful as individuals but sometimes it makes the process bog down and sometimes it makes the institution less capable of moving than we must be capable of in this age.

So I think we have to find a way to reverse this trend.

We have had serious debates. According to staff counsel's advice, we have had 131 hours of debate and there have been about 10, 11, 12 hours that have been what I call dead time in that, so about 120 hours have been active debate on this bill.

The balance that we have to seek in this institution, and I know I have heard the Senator from Mississippi talking about this for a long time, is very important. We have to have a better balance between committee deliberations and floor action.

This body is unique, but no legislative body with 100 members can handle every detail of a piece of legislation. We have to do perhaps a better job in our committee.

The one thing I do not know how to handle is the number of amendments we had by members of the committee. Almost half the amendments on this bill came from members of the committee. Maybe the reason is because we had a long gap between May and in the meantime a lot of things developed. Certainly, the interest of the members in this bill was keen. But those are amendments that had nothing to do with the controversies, and we have to find a better way of balancing between committee deliberations and floor action.

If floor action is indeed going to be meaningful on the major policy debates that we must deal with, I think this Senate has to concentrate more on the broad policy debates.

The SALT II amendment of the Senator from Arkansas was a broad policy

debate and certainly should have been one of those debated. Levin-Nunn is another one.

When we get into the details of some of these amendments, and many of them are on this bill now, we have a major challenge ahead to bring about a better balance between committee action and floor action. This is true not only for the Committee on Armed Services, but other committees as well.

When we get to the conference we will probably have 300 to 400 differences between the House bill and this bill. And we will have, I am sure, 100 or 150 amendments on the House side; over 100 amendments on this side. We will have to reconcile every one of those amendments and we really cannot have an appropriation bill until we find a way to pass this authorization bill.

So I call those matters to my colleagues' attention. I see the minority leader is on the floor, and I have talked to the majority leader about this, not as a means of criticizing anyone but as pointing out a problem that we have to start dealing with if this body is going to be able to operate in the 1980's and 1990's in the complicated, complex world we are in.

I thank the Senator from Virginia for his leadership. I thank each and every member of the staff on both sides. We have splendid staff on the majority side; we have splendid staff on the minority side. They have done a yeoman task in getting this bill to where we are now and they will have to continue as we go to the conference.

I want to thank the minority leader for his cooperation in getting the time agreements that allowed us to complete this bill today.

I want to pay special tribute to the majority leader, Senator BYRD, for his dedicated and continuous leadership and without his tremendous efforts we would not be able to complete action on this bill today.

Mr. President, unless the Senator from Virginia desires further remarks, I yield.

Mr. WARNER. Mr. President, I certainly join with my distinguished chairman in extending our heartfelt appreciation to the staff. They backed us up at every turn day and night throughout the year.

Now, Mr. President, I wonder if the distinguished chairman and I might join in asking unanimous consent to allow the distinguished Republican leader to speak for just a minute or two.

The PRESIDING OFFICER. All time has expired.

Without objection, the minority leader is recognized.

Mr. DOLE. Mr. President, I thank the Senator from Virginia. I just wanted to take about 2 minutes to indicate, first of all, I share the views

just expressed by the chairman of the committee.

I see the chairman of the Finance Committee present, the distinguished Senator from Texas, and these bills are getting almost like tax bills. You expect 115 amendments on a tax bill; you do not like it, but you expect it. And certainly if we set aside 3 weeks for each major piece of legislation around here, we would not have time to finish very much of our work.

Having said that, I think, despite the barriers, the managers have done an outstanding job. I certainly want to commend the distinguished chairman, Senator NUNN, and the distinguished ranking Republican, Senator WARNER, for hanging in there and getting it done.

I certainly would be willing to join in some efforts to see if we could expedite the process or the procedure.

These have been long days. We talk about how many days. We did not come in at noon and go out at 6. Those days started at 8 o'clock and ended at 10 or 11 o'clock at night. So a lot of work has gone into this legislation.

I would hope that the two major stumbling blocks in the conference can be resolved. I hate to think that all of the time that was consumed and all the efforts of staff and members of the committee, and particularly the managers and the majority leader, who has done an outstanding job, have gone for naught.

But there are a couple of provisions that I think could cause some problems, certainly with the President. I think he has legitimate concerns, concerns that he should express. I think for now it is good enough to say that the managers have done a splendid job. The majority leader has persevered and persisted in his efforts to finish this bill and he has done it.

I congratulate the majority leader for another real accomplishment, in what has been a string of accomplishments this year. But particularly I thank the managers who have had to be here every minute while we have been doing other things. They have done a good job as have all members on the committee.

I noted, also, that many of these amendments came from committee members. And I think that the answer may lie in the fact that we started this bill early and took it up late. A lot of things did transpire in the meantime.

But again I thank the Chair for consent to speak. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent that following the final passage of H.R. 1748, the Senate

proceed immediately to the consideration of S. 1174, Calendar Order No. 120, the Department of Defense Authorization Act, that the Senate proceed to passage of S. 1174 and that following passage of S. 1174 there be an additional period of 3 minutes allocated to the managers for the purpose of making a short series of unanimous-consent requests relating to S. 1174 that I have discussed and cleared with the ranking minority member of this committee.

The PRESIDING OFFICER. Is there objection to the question? Hearing none, it is so ordered.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on the adoption of the bill, H.R. 1748. The yeas and nays have been ordered and the clerk will please call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. WILSON] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—56

Adams	Dodd	Metzenbaum
Baucus	Exon	Mikulski
Bentsen	Ford	Mitchell
Biden	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Gore	Pell
Bradley	Graham	Pryor
Breaux	Harkin	Reid
Bumpers	Hefflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Inouye	Sanford
Chafee	Johnston	Sarbanes
Chiles	Kennedy	Sasser
Cohen	Kerry	Shelby
Conrad	Lautenberg	Simon
Cranston	Leahy	Stafford
Daschle	Levin	Stennis
DeConcini	Matsunaga	Wirth
Dixon	Melcher	

NAYS—42

Armstrong	Hecht	Pressler
Bond	Helms	Proxmire
Boschwitz	Hollings	Quayle
Cochran	Humphrey	Roth
D'Amato	Karnes	Rudman
Danforth	Kassebaum	Simpson
Dole	Kasten	Specter
Domenici	Lugar	Stevens
Durenberger	McCain	Symms
Evans	McClure	Thurmond
Gramm	McConnell	Trible
Grassley	Murkowski	Wallop
Hatch	Nickles	Warner
Hatfield	Packwood	Weicker

NOT VOTING—2

Garn	Wilson
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So the bill (H.R. 1748), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate amendments be inserted in the RECORD and printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of H.R. 1748, as amended by the Senate, will be printed in the RECORD of Tuesday, October 6, 1987.)

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business will be S. 1174.

Mr. NUNN. Mr. President, I ask for passage of that bill.

The PRESIDING OFFICER. The question occurs on passage of the bill S. 1174.

The bill (S. 1174), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1988-89

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 864, a bill to authorize appropriations for the Department of Defense, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 864) to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the language of Division A of S. 1174, as amended, be inserted in lieu thereof.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object if my friend from Georgia will answer just one question. I would like to get it on record.

I say to the distinguished chairman, aside and apart from the amendments that have been offered on the floor and debated on the floor, what is the

Senator's best estimate of the cost of this bill that we have just voted in?

Mr. NUNN. I would say to my friend from New Mexico that the Senate authorization bill that we have just voted in and the House bill, as amended by the Senate bill, which we have also voted in, is \$303.1 billion in budget authority and \$294.1 billion in outlays.

Mr. DOMENICI. Mr. President, I assume that the distinguished chairman of the Armed Services Committee believes that this is a much-needed bill and that the programs prescribed in this authorization bill are needed in the defense of our country and to maintain our deterrence. Is that a fair assessment?

Mr. NUNN. The Senator has stated it correctly. That is a fair assessment.

Mr. DOMENICI. I would then think that the Senator would not think we could adequately do what he thinks we must do in our national defense interest and in our national deterrence posture with \$289 billion in budget authority and the corresponding outlays. Is that a fair statement?

Mr. NUNN. I would say to the Senator from New Mexico that is a fair statement. I would add to that answer in the affirmative that I believe the defense budget has to be restrained in keeping with our overall fiscal policy, but I do not believe the defense budget can bear the burden of the predominant amount of cuts that will have to take place.

I am particularly concerned about the Gramm-Rudman sequester if it occurs. I mentioned that today. If it occurs, we are going to have a level of defense spending that is going to cause serious disruptions, including disruptions in personnel and disruptions in operations and readiness. It is going to be a very difficult proposition.

I know the Senator from New Mexico will agree with me in my assessment, although I had voted for Gramm-Rudman up until this last one, I found it was no longer an enforcing mechanism but it was forcing us to jump off the cliff. I was not ready to jump off the cliff for national security. I also came to the conclusion that the amount of overall deficit reduction that is going to occur is not going to be sufficient to get rid of the deficit, to put us in proper fiscal responsibility. It is not going to put us in the position of saying, "Mr. President, we know you are going to sign a bill that will cause great deficit reduction so we will pass it to the next generation."

We are permitting the President of the United States to enjoy pure misery, fiscally.

That is my rationale at this time.

The Senator from New Mexico is correct. If, indeed, we do have a sequester under Gramm-Rudman, it will do serious damage to our Nation.

Mr. DOMENICI. May I ask one further question of my friend? Do you recall voting for a budget resolution that had \$19 billion in revenues? One way of looking at it was it had \$21 billion, but let us use the \$19 billion.

I believe you will recall language in that resolution stipulating that if we were going to have the revenues and pass the reconciliation bill, we are going to allocate \$7 billion to defense, shifting us from the low tier of defense, \$289 billion, to the higher tier of \$296 billion, as prescribed in that budget resolution. Am I correct? You voted for that and understood it to be that way?

Mr. NUNN. I did not understand it as thoroughly as the very articulate former chairman and now ranking member of the Budget Committee states, but I did understand and grasp the major provisions of that budget. The essence was we either had a number on defense that would be too low or the President of the United States had to join in good faith with the Congress of the United States in providing both spending cuts and revenues to help protect the defense budget and at the same time bring about fiscal sanity.

I would defer to my friend on detail, and I will say that if I studied it as carefully as he has I would agree.

Mr. DOMENICI. Basically, I think it is fair to say that my good friend, the chairman of the Armed Services Committee, had the understanding that if we were going to have additional revenues that we were going to vote in, and the President signed the bill to put them in place, we were going to allocate a sufficient portion of those revenues to get defense to the high tier, which was your recommended bottom line of \$296 billion in budget authority with a commensurate outlay level. Is that a fair statement?

Mr. NUNN. The Senator has stated my understanding correctly.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. Without objection, the bill will be considered as having been read the third time.

The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 864), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING APPROPRIATIONS FOR CIVIL DEFENSE PROGRAMS FOR FISCAL YEARS 1988 AND 1989, AND FOR OTHER PURPOSES

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 865, a bill to authorize appropriations for civil defense programs for fiscal years 1988 and 1989, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 865) to authorize appropriations for civil defense programs for fiscal years 1988 and 1989, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the language of division C of S. 1174, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the bill will be considered as having been read the third time.

The bill having been read the third time, the question is, Shall it pass?

The bill (S. 865), as amended, was passed.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1988 AND 1989

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 866, a bill to authorize certain construction at military installations for the fiscal years 1988 and 1989, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 866) to authorize certain construction at military installations for fiscal years 1988 and 1989, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the language of division B of S. 1174, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the bill is deemed to have been read the third time.

The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 866), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. NUNN. I thank the Chair. I thank my friend from Virginia. I notice my friend from Virginia voted for us several times. I thank him for those votes.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

Mr. BYRD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Regular order is requested.

Under the previous order the Senate will proceed to the consideration of the bill S. 1394 which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BYRD. For the information of Senators, it is my intention not to have any rollcall votes after 3:30 to 4 today, but I would like to see the Senate make progress in the meantime on the State Department authorization bill. After 3:30, 4, it will be my intention to set up a period for morning business so that Senators might speak as long as they wish on other matters. I know there are some Senators who wish to speak on the Bork nomination. But I would hope that during this period between now and, say, 3:30 at least the Senate could stay on the State Department authorization bill.

The Senator from Rhode Island and the distinguished ranking manager have worked hard in the committee. This measure has been on the calendar a long time. Every time I turned one corner, I would find the chairman meeting me and importuning me, adjuring me, beseeching me, urging me to get on to this State authorization bill. Moreover, we cannot take up the State-Justice-Commerce appropriation bill until this bill has been passed. So it is important that we get some progress made today.

However, I promised Mr. BAUCUS that I would seek consent for him to speak out of order for 10 minutes or 5 or 6 or 7, somewhere along there, and I would hope then that we could wait

until 3:30 at least before other Senators speak on the Bork nomination.

So I ask unanimous consent that the distinguished Senator from Montana [Mr. BAUCUS] may speak any time up to 10 minutes. That will give other Senators time to prepare for taking up the State Department authorization bill. Some Senators may have amendments and so on.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, if the majority leader will be so kind as to include the same provision for Senator HECHT, there will be no objection.

Mr. BYRD. As a matter of fact, the Senator does not need unanimous consent, Mr. President. I am just trying to lay out the matter in a framework that will hopefully assure the managers of that bill that they will not be interrupted so much during this afternoon. But the Senator does not need consent and he can speak longer than 10 minutes.

Mr. HELMS. We will just have an informal agreement. Senator HECHT can have 5 minutes as well. I agree you do not need unanimous consent in either case.

Mr. BYRD. We would need unanimous consent if we prohibited Senators from speaking on other matters during the next 2½ hours.

Mr. HELMS. That is true, and I am willing to enter into that if the majority leader will propound it and include Senator HECHT.

Mr. BYRD. I will do that.

Mr. HELMS. I thank the Senator.

Mr. BYRD. I ask unanimous consent that speeches be germane to the matter before the Senate, the pending business, with the exception of Mr. BAUCUS and Mr. HECHT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And then I would like to indicate to the Senate it is my intention soon to move to the Verity nomination. I do not intend to so move this afternoon but Senators should be aware of my intention to move to that. Possibly I could move to it today and vote on it Monday or vote on a cloture motion or something by next week. So I am just informing Senators that is going to be a matter to come before the Senate—soon.

Also, the catastrophic illness measure, I have tried for weeks to get that matter up. I tried before the recess, and the objection was that there were matters that needed to be worked out on it, "Let's wait until after the recess." After the recess I tried and have not been able to get it up. So I may make that motion this afternoon and put a cloture motion on it, which would mean that sometime next week we would vote on that cloture motion. I do not want to catch anybody un-

awares, so I am laying it out on the table for that purpose.

Mr. HELMS. Will the Senator yield? Mr. BYRD. Yes.

Mr. HELMS. There will not be any necessity for a cloture motion on the Verity nomination so far as this Senator is concerned, or any other Senator, to my knowledge. I say to the distinguished majority leader that I discussed this nomination with the President just a little while ago down at the White House. The only reluctance I had about it was the nonreceipt of information that I had requested for 2 years. The President assured me they were going to work that out, so I think we can move on.

Mr. BYRD. Very well.

Mr. HELMS. There will be some discussion, I say to the majority leader. I do not think anyone is going to filibuster; certainly I am not.

Mr. BYRD. I thank the distinguished Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much thank the managers of the bill, as well as the majority leader, for working out this agreement.

Mr. PRYOR. Mr. President, the Senate is not in order.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Arkansas is correct. The Senate is not in order. The Senator from Montana.

NOMINATION OF JUDGE BORK

Mr. BAUCUS. Mr. President, the brilliance of our constitutional form of Government rests on the pillars of three separate but equal branches of Government and on the written constitutional protection of the people's basic rights. The President speaks with one voice and is elected by all the people. The Congress speaks with many voices but it, too, is elected by all the people. The Supreme Court, by virtue of the appointment and confirmation powers of Federal elected officials, is in effect an extension of the collective conscience of the United States.

Thus, when the Senate decides whether to confirm a Supreme Court nominee, it is not beholden to the concerns of the President but to the deepest concerns and needs of the people. This is particularly true given the lifetime tenure of a Supreme Court Justice and the need for a Justice to staunchly defend the people's constitutional guarantees, including free speech, equal protection under the laws, religious freedom, due process under the laws, and the rights of privacy.

Like all Supreme Court nominees, this one will significantly affect all of us and our children. He is likely to serve well into the 21st century. He

will exercise extraordinary power and he will affect us directly, for as Judge Bork stated in his confirmation hearings, in deciding individual cases, someone gets hurt.

The people of Montana have elected me to represent their views and to exercise my best judgment. In deference to the nominee and in order to give him his day in court, I felt it only proper to reserve my judgment until after the completion of the Judiciary Committee hearings. It was during those days of exhaustive questions to Judge Bork, both by opponents and by advocates of his confirmation, and particularly during his answers to those questions, that my views began to take shape. Upon reading the transcript of that hearing, I now have reached my conclusion.

It is clear that Judge Bork is competent. He is a distinguished legal scholar. He has served as Solicitor General of the United States and on the U.S. Court of Appeals.

The American Bar Association has given him its highest possible rating. It is less clear, however, that he possesses the requisite judicial philosophy to be entrusted with constitutional powers over our lives.

Although some suggest that the U.S. Senate should not pass upon the judicial philosophy of a nominee, I believe that the Senate not only has a right but an obligation to do so. Just as the President may consider judicial philosophy in his appointment, so may the Senate in its confirmation. Indeed, the Constitutional Convention debates make this clear.

It is true that a Senator should not oppose a nominee who does not espouse that Senator's own particular judicial philosophy, but it is equally true that a Senator may determine whether a nominee is committed to the protection of basic constitutional values of the American people.

What are those basic values? One is the separation of powers of our Federal Government. Another is freedom of speech. Another is equal opportunity. Still another is personal autonomy: the right to be left alone.

It is generally agreed that a Supreme Court Justice should not make the law but, rather, interpret the law according to the plain meaning of the words either in the Constitution or in the statute.

Judge Bork, in fact, states that a Justice should look to the meaning of the words according to the original intent of those who drafted them.

I, too, believe that original intent is critical. Judge Bork's view of original intent as applied to the separation of powers I believe is mixed. He definitely is correct in saying that Congress may not by statute deny a court jurisdiction over constitutional questions. In fact, he so testified before Congress against a bill that would limit Su-

preme Court jurisdiction questions dealing with women's reproductive rights.

On the other hand, his views of the power of executive privilege as applied in the Watergate era causes grave concern.

It is Judge Bork's view of original intent, more precisely his use of original intent in civil liberties cases, equal protection cases, and rights of privacy cases, that I find most disturbing.

Whether it is his interpretation of free speech, antidiscrimination laws, or the right of people to basic privacy, I find that Judge Bork's view of original intent is too narrow.

It is true that our Founding Fathers did not consider free speech as it applies to the times and technologies of the 1980's. Neither did they know of the hopes and aspirations of minorities and their meaning almost two centuries later. And certainly they were unaware of the scientific and medical technologies of the future as they apply to the rights of privacy.

Judge Bork's voluminous writings and views on these basic rights tend to say that, because the present application of those rights were not considered at the time, they should be much less protected. I do not think that is what our Founding Fathers intended. Our Founding Fathers were people, ordinary people. They struggled mightily to escape tyranny, and to forge a new way of life based on the dispersal of power and on the constitutional protection of basic rights and liberties.

It is my strong view, and I believe it is the view of the American people, that the meaning of those values intended by our Founding Fathers would include many more of the rights of free speech, equal protection, and privacy than Judge Bork would find. It is because that disparity is so great and its consequences so critical to the core strength to our country that I find this nomination very disturbing.

His change of position on many of these issues during the Judiciary Committee hearings also does not provide much comfort. Growth and the ability to change one's views is often a mark of maturity. Yet, the degree of change, and the manner in which those changes were stated are not very convincing. In fact, it even raises additional questions. It is, therefore my belief that it would be unwise to entrust our constitutional values to this nominee. Judge Bork should not be confirmed.

I yield the floor.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

ENERGY AND WATER APPROPRIATIONS

Mr. HECHT. Mr. President, in a few days the Senate will consider the energy and water appropriations bill. Attached to that bill is a provision that makes major changes in the Nation's high level nuclear waste program. This provision is identical to the one that the Energy Committee recently reported out as part of budget reconciliation, and as a freestanding bill, S. 1668.

S. 1668 would depart from the current program requiring three sites to be studied for a high level nuclear waste repository. Instead, S. 1668 would have the Energy Department characterize one site at a time. There are many who believe that my State, Nevada, would be pushed to the head of the line if these provisions are signed into law.

The chairman of the Energy Committee has been very skillful in promoting this legislation. Attempts to stop the bill have failed in the Energy Committee, they have failed in the Appropriations Committee, and the outlook for a long, drawn out battle on the floor of the Senate is uncertain at best.

I have opposed the chairman's bill in committee, and I will fight it when it reaches the floor of the Senate. My opposition is based on my belief, after extensive discussions with members of the scientific community, a tour of nuclear facilities in Europe, and study of methods used by other nuclear nations, that deep geologic disposal of spent fuel rods is not the safest, most cost-effective, or energy-efficient way for our country to deal with high level nuclear waste. The right approach is what is called the complete nuclear fuel cycle. This involves long-term storage and reprocessing of spent fuel, recycling the energy so it can benefit our Nation. It was a mistake for our Nation to stop reprocessing nuclear waste. Every other major nuclear nation in the world reprocesses. Reprocessing is the answer, not deep geologic disposal of spent fuel.

Reprocessing is the direction our Nation should be headed in, not the direction that is the primary thrust of this legislation. Deep geologic disposal has not been proven safe or effective. Reprocessing and above-ground storage, on the other hand, are in active use at nuclear facilities around the world.

As this legislation is debated, there will be lots of discussion about where a repository should be located. The problem is, we will be debating the wrong question. The question is not where we should put it, but, why we should have one at all.

During the course of the coming debate I will be an active participant. My purpose will not be to obstruct the

process but to inform my colleagues. The legislation puts us on the track toward deep geologic disposal. My efforts will not be aimed at derailing this train. They will be aimed at putting us on a different track, a track leading to a safer and more logical handling of nuclear waste. To bury it in the ground is just plain wrong.

In recognition of the chairman's ability to marshal votes on this issue, I have worked on a dozen amendments to this bill that substantially improve it, not just for Nevada, but for the Nation as a whole. These amendments were accepted by the chairman, adopted by the Energy Committee, and are incorporated into the bill that will soon be considered by the Senate. While I vigorously oppose this bill and the future it plans for this country, I urge my colleagues to keep these amendments which will protect any State forced to have a deep geologic repository.

I don't believe that the basic thrust of S. 1668 is in the national interest, and I will once again oppose it. But if the Congress is determined to pursue this course of action, then I want to help make the package as good as possible, for all the people of America, and the people of Nevada in particular.

Mr. President, I ask unanimous consent that a description of my 12 amendments that are incorporated into S. 1668 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADOPTED HECHT AMENDMENTS TO S. 1668

The first amendment requires a study of the feasibility of reprocessing spent nuclear fuel of different ages. One of the primary arguments against reprocessing has been the reprocessing is not cost-effective. But most economic analyses of reprocessing have focused on using spent fuel that is only a few years old. My amendment is designed to find out whether, as some have suggested, it is far less expensive to reprocess spent fuel that has been aged for decades, than it is to reprocess relatively fresh spent fuel.

The second amendment requires that Federal agencies use only those nuclear waste packages that are licensed by the Nuclear Regulatory Commission. The Energy Department has occasionally used waste packages that were not approved by the NRC. My amendment prevents this from happening in the future.

The third amendment requires the Department of Energy to abide by the rules of the Nuclear Regulatory Commission for notifying States before high level nuclear waste is shipped. Many State and local governments have not received the sort of advance notice from the Department of Energy that they deserve. My amendment would strengthen the hand of State governments in demanding greater cooperation from the Energy Department in this regard.

The fourth amendment requires DOE to provide Federal money and assistance to train State and local agencies involved with high level nuclear waste transportation. If the Federal Government insists on inflicting

waste shipments on State and local public safety agencies, then the Federal Government ought to provide some degree of training for State and local agencies to cope with these shipments. My amendment provides for this training.

The fifth amendment requires that waste package prototypes be submitted to actual tests, not just to computer simulated tests. I don't believe that the people of America are willing to take for granted the safety of waste packages that have only been tested on a computer screen. I think they deserve to have a full-scale prototype subjected to actual, real-world tests. This is what my amendment accomplishes.

The sixth amendment requires our Government to examine other nation's waste packages to see if any are safer than what we plan to use in this country, and to report to the Congress on the results of this survey.

The seventh amendment requires DOE to pay for onsite State oversight, for quality control of site characterization and repository construction. Wherever a repository is located, the State government needs to be able to have its own independent assurance that the work is being done correctly.

The eighth amendment requires DOE to consult with the Department of Defense and certify that a repository site to be named by the President would not jeopardize national defense activities taking place nearby. It would make little sense to put a repository in a place where it will interfere with activities that are essential to our national defense. Without my amendment, our country might some day have to choose between endangering our national security or abandoning a nuclear waste repository.

The ninth amendment requires a study of the advantages of future research on seabed disposal. For more than a decade the United States participated in an international research effort in this area, but abandoned this research prematurely this fiscal year. The scientific community, the electric utilities, and the National Association of Regulatory Utility Commissioners have all publicly recognized the need for increased research in this area.

The 10th amendment requires DOE to report to the Congress on the local impacts of siting a repository, and to make recommendations as to the Federal Government's responsibilities for mitigating those impacts. The sorts of impacts to be addressed include those relating to public health and safety, social services, transportation systems, and local economic activity.

The 11th amendment requires that the State that gets stuck with the repository receive special consideration for DOE research contracts. Any State that bears the national nuclear waste burden is certainly entitled to an increased share of beneficial Federal projects that would enhance instead of detracting from the quality of life of the citizens of that State.

The 12th amendment, which I coauthored with Senator Evans, requires a study of the advantages of storing high level nuclear waste for at least 50 years before moving it to a repository. Current law would allow spent fuel to be shipped to a repository after only 5 years. Other countries are planning on a cooling off period of 40 or more years. I don't think it is wise to move 5-year-old fuel around the country. We should let it age, cool off, become less radioactive, and become easier and safer to handle.

Mr. HECHT. Thank you, Mr. President.

I yield the floor.

Mr. PELL. Mr. President, today the Senate begins consideration of the Foreign Relations Authorization Act of 1987. This is one of the two major, regular authorization bills reported out by the Committee on Foreign Relations. Its principal purpose is to provide the authorization of appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

These foreign affairs agencies perform a vital role in the defense of the United States. An effective diplomatic establishment protects our country by strengthening relations with allies and friends, by negotiating agreements to reduce international tension and to facilitate international commerce, by providing accurate information about the United States and the world to people abroad, by arranging international educational and cultural exchanges, and by providing detailed and accurate assessments of political, economic, and social developments.

To accomplish these complex missions, our foreign affairs agencies need adequate resources and support. Unfortunately, the current budget climate has made it extremely difficult for the Foreign Relations Committee to provide the full level of support these programs require. In order to live within budget resolution levels, the committee had to make some tough choices. As a general rule, the committee sought to protect the ongoing operational programs of the foreign affairs agencies while deferring the construction programs. In short, the committee chose people over bricks and mortar.

As a result, the committee provided amounts close to the administration's request for the salaries and expenses of the State Department and the Board for International Broadcasting. By contrast, the committee placed a moratorium on VOA radio construction and Department of State embassy construction. In view of the large sums already in the pipeline for embassy construction and VOA modernization, the moratorium should have only a limited short-term impact. Further, because of the much publicized problems of the Diplomatic Security Program, a moratorium is also a prudent management decision.

With regard to USIA, the programs have grown dramatically over the last 6 years. In view of the near tripling of the USIA budget since 1981, the committee felt that holding the line at the fiscal year 1987 levels could be justified.

The Foreign Relations authorization bill also contains a number of important legislative and policy provisions. These are described in detail in the committee report. I would like to call

attention to several of the most important.

In a provision sponsored by Senator KASSEBAUM, the committee authorizes full funding for the U.S. assessed contributions to the United Nations. Two years ago, Senator KASSEBAUM undertook a legislative initiative to force budgetary and administrative reforms at the United Nations. I was at that time an opponent of her approach. She has, however, succeeded to an absolutely remarkable degree. Her effort has resulted in the most significant management reforms in the 42-year history of the international organization. We must now show our support for the Kassebaum effort by providing full funding for our assessed contributions pursuant to our treaty obligations.

In the matter of much interest to many of my colleagues, the Foreign Relations Committee bill also includes an omnibus bipartisan provision addressing the Moscow Embassy problem. The committee bill includes provisions calling on the administration to submit a series of reports by August 31, 1987, on the disposition of the new Chancery in Moscow and on the Soviet complex on Mount Alto here in Washington, DC. Since the time of the committee's consideration, the administration has conducted three separate reports on these matters. Further, several delegations of Foreign Relations Committee members visited Moscow over the August recess. These included Senators MOYNIHAN, SARBANES, SANFORD, CRANSTON, and MCCONNELL. I believe the time has come for the Senate to make some decisions on the Moscow Embassy. I gather there are several proposals and I may have one of my own. I would hope this issue can be dealt with expeditiously.

The bill also includes provisions: First, prohibiting the closing of U.S. posts overseas, except under limited circumstances; second, modifying U.S. visa law to ensure that aliens are no longer excluded on the basis of their political beliefs; third, a restructuring of the U.S. Advisory Commission on Public Diplomacy to ensure its bipartisan character; and fourth, policy language on Afghanistan, the Iran-Iraq war, and South Korea. The bill also includes a provision to memorialize our late colleague Edward Zorinsky by naming the new USIA library in Jakarta, Indonesia, after him. Senator Zorinsky had a keen interest in USIA, and the library was opened as a result of his amendment.

It is my hope that the Senate might be able to proceed expeditiously with the consideration of this bill. I know of relatively few amendments and it would be my hope that we can go to final passage this afternoon. I would note that this bill is not the appropriate vehicle for amendments affecting our foreign assistance program. These

issues are addressed in S. 1274, the International Security and Development Cooperation Act of 1987, which I hope will be before the Senate later this year.

Mr. HELMS. Mr. President, I do not want to rain on the distinguished chairman's parade, but we are not about to get to final passage of this bill this afternoon. I know of a number of amendments, including some that I intend to offer, that will be considered by the Senate.

Mr. PELL. It is a hope.

Mr. HELMS. We will move along as expeditiously as possible, because I do not like, any more than the Senator does, to spend a lot of time in the consideration of any piece of legislation, but sometimes it is necessary.

Mr. President, I am genuinely grateful to the distinguished majority leader and the distinguished minority leader for having arranged to bring this bill to the floor.

I hope, indeed, fervently hope, that we will not be here as long as it took on the defense authorization bill, but I would have to assert that this pending bill is not without its own controversies. Maybe we can resolve them. I hope we can. But that remains to be seen.

Just a word about the committee deliberations on this bill, Mr. President: It has been my pleasure to work with the distinguished chairman who, as I have said on many occasions, is a delightfully civil gentleman. Even though we are sometimes on opposite sides of the question, I do not think either of us have ever had the slightest feeling of discomfort about the other and I know it will stay that way. I admire him, I like him, and I enjoy working with him.

The deliberations were thoughtful and, with a few exceptions, quite wise.

One overriding issue in the committee which will continue to be a significant issue here on the floor is that of the budget. I do not need to preach a sermon about what this Congress must do all across the board with respect to reducing Federal spending. I came here preaching that sermon, and I guess I will leave here, if I am still talking, saying the same thing.

But under the budget resolution, which has been adopted by the Congress, spending for the 150 international affairs function of the budget is to be reduced from fiscal year 1987 levels. It does not say a slight increase. It says a reduction and, frankly, Mr. President, this bill does not comply with those parameters.

While the Secretary of State insisted on a 10- to 15-percent increase in the State Department's administrative budget, the committee approved a 2-percent increase. However, the budget resolution assumes an overall reduction, as I have just said, a reduction below current levels of spending by

the State Department of approximately 5 percent, and this Senator feels that the Senate must bite the bullet and is obliged to make reductions in order to comply with the budget.

Second, in failing to meet the budget, the committee's most notable excess was in restoring funding for programs of the United Nations.

This is a matter on which the distinguished chairman and I have agreed to disagree agreeably. But if there is one spot in our foreign relations or foreign policy conduct where this Senator feels that the waste is just incredible, it is at the United Nations.

I have to look hard to find any benefit for the United States of America in the United Nations, and I am beginning to agree with those who have been saying, "Get us out," and that sort of thing, but we will withhold judgment on that for the time being.

So the committee reversed the principles previously adopted by the Congress. There has been no true reform at the United Nations, only enough to get Congress to increase funding.

And as we get into the discussion, we may get into the matter of such things as rent subsidies and salaries and other matters which have caused great discontent among a great many Americans.

But perhaps the most troubling shortcoming of the committee bill is what amounts to the abdication, as I see it, of responsibility in responding to the Moscow Embassy disaster—the bugging by the Soviet Union, the complete ineptitude by those in charge of overseeing the construction of the United States Embassy.

Instead of responding with specific legislation instructing the Secretary of State, the committee adopted more studies and reviews. Mr. President, we know what the problems are. We know what needs to be done.

We know how to react to the Soviets who bugged that building under construction beyond any comprehension of logic.

The Senate Committee on Appropriations, under the fine leadership of the distinguished Senator from South Carolina [Mr. HOLLINGS], has made appropriate recommendations, permitting for demolition of that turkey in Moscow, just tear it down, start over again, and make the Soviet Union pay for it; otherwise, shut off any of their use of their new facility at Mount Alto here in Washington.

I am with Senator HOLLINGS on that. That approach was unanimously recommended by the Select Committee on Intelligence. The Senate has passed legislation sponsored by the distinguished Senator from Idaho [Mr. SYMMS] to renegotiate the embassy agreements between the United States and the Soviet Union.

Now these are typical of the responses which are needed in the legislation, and frankly I will join other Senators in trying to make those changes, because failure to do so makes the U.S. Senate a laughing stock in the eyes of the Soviet Union. How many times must we allow the Soviets to abuse us without taking appropriate response?

Mr. President, I also cannot agree with the inclusion in this bill of statutory authority to allow the Secretary of State to have a permanent official residence, and we will be discussing that and no doubt voting on it. I am very fond of Secretary Shultz as a person. I am especially fond of Mrs. Shultz, a delightful lady. But it is not wise for the U.S. Senate to depart from the longstanding practice that all Cabinet members must be treated equally, and therefore are not eligible for Government-owned or Government-sponsored mansions. This authority has already been stripped from the House bill and a motion to strip the authority from this bill failed by only one vote in the Senate Committee on Foreign Relations. Therefore, I will be joining other colleagues or maybe leading the charge, as the case may be, in attempting to eliminate this authority during this deliberation on this floor.

Obviously, Mr. President, this may be the primary vehicle this year for foreign policy statements or policies. A great deal of time was wasted by this Senate on the Defense authorization bill by the inclusion of proposals that clearly were nongermane to the defense authorization bill and all sorts of accusations and charges were made about delay. This Senator did not delay, except to oppose nongermane arms control amendments on the Defense authorization bill that properly should have been included in this bill which is now pending in the U.S. Senate.

I think there will be a number of amendments offered to deal with important foreign policy issues which were not addressed by the pending committee bill.

So I say again that the distinguished Senator from Rhode Island [Mr. PELL] and I have an excellent working relationship, which I treasure. We worked together on many matters and we worked together on this bill.

I want to say to him that I look forward to continuing to work with him.

Mr. PELL. I thank the Senator.

Mr. HELMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 842

(Purpose: To protest the Soviet ICBM tests near the State of Hawaii)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] for himself, Mr. DOLE, Mr. WILSON, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, Mr. MATSUNAGA, and Mr. INOUE, proposes an amendment numbered 842.

Mr. WALLOP. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE SOVIET ICBM TESTS NEAR THE STATE OF HAWAII.

(a) FINDINGS.—The Congress finds that—

(1) the Union of Soviet Socialist Republics and the United States of America have recently concluded an agreement with respect to reducing the risks of accidental nuclear war,

(2) the Soviet Union has within the last twenty four hours conducted two tests of its intercontinental ballistic missile forces,

(3) the announced impact points for reentry vehicles from these tests are as close as two hundred miles northwest and southeast of the State of Hawaii,

(4) one target area will require the overflight of sovereign U.S. territory by a Soviet ICBM,

(5) neither superpower has ever conducted an ICBM test as close to the others' territory,

(6) the missile used in this test is a new modern multiple warhead ICBM which is a violation of both the "new type" and the "heavy ICBM" provisions of the SALT II Treaty,

(7) the Soviet Union allegedly encrypted telemetry from this first flight-test, as is their standard practice, in further violation of the SALT II Treaty,

(8) the Soviet Union appears to have been practicing with this test a strike on the United States because of the use of trajectories of fire identical with those that would be used to attack Pearl Harbor,

(9) had this test misfired by only fractions of a second, tens of Soviet ballistic missile test warheads could have landed on centers of population in the Hawaiian Islands, and

(10) this action cannot be explained as anything but a deliberate provocation of the United States and a direct threat to our national security.

(b) Sense of the Congress.—It is the Sense of the Congress that—

(1) This test has increased rather than decreased the risk of nuclear war.

(2) The Congress of the United States condemns the Soviet Union for its actions that demonstrate an utter disdain for civilized and acceptable standards of international behavior,

(3) The Congress condemns this new violation of the provisions of the SALT II Treaty,

(4) Because the United States has not even a very limited defense against ballistic missiles, the possibility of accidental impact of Soviet ballistic missile test warheads in the population centers on the Islands of Hawaii could not be prevented,

(5) The United States government should officially and at the highest levels protest this action by the Soviet government and should inform the Soviet Union that it will

not tolerate another flight-test of this sort aimed directly at U.S. territory;

(6) The President should report to the Congress in ten days in both classified and unclassified forms on (a) the details of the tests; (b) Soviet explanations offered in response to U.S. diplomatic protests; (c) what steps the U.S. will take to ensure that such a test will not happen in the future; and (d) what effect a first-phase SDI system could have against a missile launched in similar proximity to U.S. territory.

Mr. WALLOP. Mr. President, this amendment is offered by myself and the Senator from California [Mr. WILSON] who is an original cosponsor and whose alertness originally brought this circumstance to my attention. I also offer it on behalf of Mr. DOLE, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, and the two Senators from Hawaii, Mr. MATSUNAGA and Mr. INOUE.

I read the text and body of the amendment on the floor yesterday, but I believe that it bears a review. I cannot imagine, given the debate, that it is a controversial amendment.

But the first whereas takes notice of the fact that the United States and the Soviet Union recently concluded an agreement with respect to reducing the risks of accidental nuclear war. This was an agreement that was accompanied by much ballyhoo, self-aggrandizement, during the visit of Mr. Shevardnadze in Washington recently.

The second one takes note of the fact that the Soviet Union has within the last 24 hours conducted two tests of its intercontinental ballistic missile forces.

The third paragraph talks about the announced impact points for reentry vehicles, and the announced points were as close as 200 miles northwest and southwest of the State of Hawaii. We know that one of the reentry vehicles came even closer than that to the Hawaiian Island chain, whether accidentally or on purpose, we shall never know. But, nevertheless, it was closer than 200 miles. It was within 100 miles.

The next paragraph is, where one target would have required—they did not use this—the overflight of sovereign U.S. territory by a Soviet ICBM. And I would point out that the target area, as announced—and, Mr. President, I might, for the benefit of the Senators, just point out that the announced target area south and west of the Island of Kauai abuts the air defense identification zone. This is the area in which the U.S. Government has surrounded its territories with, which requires, if it is penetrated by unidentified aircraft or foreign objects, the mobilization of the defense forces in that particular zone.

Next, we state that no superpower has ever conducted an ICBM test so close to the other's territory. Then we state that the missile used in this test is a modern multiple warhead ICBM,

which is a violation of both the new type and the heavy ICBM provisions of the SALT II Treaty. I will deal with that in a moment.

Then we state that the Soviet Union has allegedly encrypted telemetry from this first test flight. Then we state that the Soviet Union appears to have been practicing with this test a strike on the United States because of the use of trajectories of fire identical with those that would be used to attack Pearl Harbor. It requires but a change in the azimuth to have hit Pearl Harbor, and not a very big change. It is the type of trajectory that is necessary to test if the Soviet Union is going to find out the reliability on their assaults on the continent in the lower 48 States. Because it is this type of trajectory in which you run into magnetic and other problems, this test was designed to resolve or know what problems exist in conducting a strike on the United States. You cannot draw any other conclusion.

Then we say that had the test misfired by only fractions of a second, tens of Soviet ballistic missile test warheads could have landed on centers of population in the Hawaiian Islands. As a matter of fact, one did land within 100 miles of one of the Hawaiian Islands.

So we conclude that the action cannot be explained as anything but a deliberate provocation of the United States and a direct threat to our national security.

Then we resolve that it is the sense of the Congress that the test by itself has increased rather than decreased the risk of nuclear war and that the Congress condemns the Soviet Union for its actions that demonstrate an utter disdain for civilized acceptable standards of international behavior and the Congress condemns this new violation of the provisions of the SALT II Treaty. Finally, the amendment states:

Because the United States has not even a very limited defense against ballistic missiles, the possibility of accidental impact of Soviet ballistic test warheads in the population centers on the Islands of Hawaii could not be prevented.

The United States government should officially and at the highest levels protest this action by the Soviet government and should inform the Soviet Union that it will not tolerate another flight-test of this sort aimed directly at U.S. territory;

The President should report to the Congress in ten days in both classified and unclassified forms on (a) the details of the tests; (b) Soviet explanations offered in response to U.S. diplomatic protests; (c) what steps the U.S. will take to ensure that such a test will not happen in the future; and (d) what effect a first-phase SDI system could have against a missile launched in similar proximity to U.S. territory.

Mr. President, I stated that these missile tests constitute a violation of the SALT II Treaty. Let me just quote where I think they are.

In article XV, the first two clauses of which state:

For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

Paragraph 2 states:

Each Party undertakes not to interfere with national technical means of verification of the other Party operating in accordance with paragraph 1 of this article.

As anyone can tell, this test was conducted, as has been other recent Soviet tests, with encrypted telemetry.

More importantly, there is a story on the street that an ELINT aircraft, an electronic intelligence aircraft of ours, part of our national technical means of verification, flying in the vicinity of the impact zone had a Soviet ship fire a laser at it and damaged the eyes of the U.S. pilot aboard that plane.

We also see in article IV, paragraph 7:

Each party undertakes not to develop, test, or deploy ICBM's which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the heavy ICBM's deployed by either Party as of the date of the signature of this treaty.

Mr. President, I would just point out again that this is a follow-on model of the SS-18 as described in the publication "Soviet Military Power." It is an advancement and improvement over the missile that Secretary Brown, at the time of the signing of the SALT II Treaty, had said to the Senate of the United States and the people of the United States, indeed, he boasted that we had finally put a cap, finally put a cap, on the Soviet heavy missile which so threatened us. And here, we see the value of this "cap," with this new, heavy and much more capable missile that the Soviet Union possesses. It is a violation.

Mr. President, again under article IV, paragraph 9, it states that: "Each party undertakes not to flight-test or deploy new types of ICBM's, that is, types of ICBM's not flight-tested as of May 1, 1979, except that each party may flight-test and deploy one new type of light ICBM." Light ICBM is the operative word there, Mr. President.

Here is the SS-18 follow-on, as it appears in Soviet Military Power.

This is an advancement in capability, in throw-weight and in accuracy, on the SS-18, which is clearly in violation of two of the articles—two of the paragraphs of article IV of the SALT II Treaty.

Mr. President, it is interesting, and I think revealing, that the Senators from Hawaii are cosponsors of this amendment. It is, after all, their State which was in a line of fire, if extended, from the drop zone of that test area.

We cannot but view this as a genuinely appalling affront to the United States, the arms control negotiating process, the Congress of the United States and the people of the United States. It is inexcusable. The Pacific Ocean has enormous, vast areas which have in the past and could at any time in the future serve as drop zones for Soviet intercontinental ballistic missile tests.

I have in no way any problem with their right to conduct intercontinental ballistic missile tests. We do the same thing. It is where they chose to do it and when and how they chose to do it that is of significance to us in this debate; and is the reason these cosponsors have joined me in condemning that action and in making these findings. Because it simply is intolerable for the country to allow a provocation like that to go unremarked or to seek in some way to soften the language of this thing, to demonstrate to the Soviet Union, yet again, our goodwill.

Mr. President, the Senate cannot have goodwill to the Soviet Union after this action. There is no excuse. There is no way in which we can confound the words of the English language to lessen the effects of what took place: The timing of it; the location of it; the arrogance of it.

If the Senate were in some way to seek to soften this language that would be, as well, a signal to the Soviet Union that somehow or another, no matter what they do, we will find some kind of way to excuse it, to minimize it, to overlook it, to ignore it.

Curiously in the debate on the Bumpers amendment we had the Senator from Arkansas ask the Senator from Virginia if it was not a case and, in fact, the circumstance that the Soviets were in violation of the ABM Treaty. This, from the proposer of those words that the Senate finally passed, that binds us to one provision of the SALT II Treaty.

Mr. President, a country which finds itself unable to respond is a country which soon finds itself with enormous frustration at the numbers of affronts and violations that threaten it. Unable or unwilling to respond is to invite further adventure. Unable or unwilling to respond is to invite further violation. Unable or unwilling to respond is to invite an adversary to grow stronger, more adventurous, not with ICBM's and nuclear warfare but the rest of their activities in the world, knowing full well that we, somehow or other, cannot summon up gumption to stand on our own two feet and say: "Enough now. That is it."

That is why the Senators from Hawaii have joined in this. That is why the other Senators have joined in this. And that is why I hope the Senate will unanimously adopt this amendment to this bill as witness and

testimony to our outrage at this most recent Soviet act.

We were essentially silent when they shot at and wounded a soldier in Potsdam when Shevardnadze was here. We cannot and should not remain essentially silent under these circumstances. It ill-becomes the Senate. It ill-becomes this country to expect from its leaders something less; and they do not. The people of America are outraged by this activity. So the Senate should respond by reflecting that outrage and sending this clear message to the Soviet Union that such behavior is intolerable in a civilized world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I have no problem; in fact, I approve of most of this amendment, which addresses a very serious Soviet provocation. There is no question about it. When I picked up the newspaper this morning I read about the Hawaiian Islands being bracketed by these so-called tests, and I think we all share a sense of outrage.

However, this amendment moves into new territory, getting into the question of violations of SALT and getting into fairly complicated questions concerning verification and compliance.

My own view is that we could have worked this language out at a staff level, and I wonder if the amendment might still be modified? If the Senator would accept the removal of paragraphs 6 and 7 of the preamble and paragraph 3 of the middle, I could accept it.

Mr. WALLOP. Mr. President, there is no way that the Senator from Wyoming could accept those deletions. Let me just for the sake of those witnessing this debate, and other Senators, say what they are.

One is the whereas clause that the missile used in this test is a new, modern, multiple warhead ICBM which is a violation of both the new type and the heavy ICBM provisions of the SALT II Treaty.

Mr. President, that is the case. This is precisely what I was suggesting that we ought not to do, is to somehow or another send a message to the Soviet Union that is softer than the case which they have presented to us to respond to.

We did not ask the Soviet Union to conduct this test, Mr. President. We surely did not want it as an insult to this Nation, after all the ballyhoo surrounding the risk reduction centers and the new period of detente. We did not ask for this. This was a decision on the part of the Soviet Union and to quote Lenin, once again, "This, too, was no accident."

So, precisely for those reasons this provision ought to remain in. The

second paragraph which they wish to remove is "Whereas the Soviet Union allegedly encrypted telemetry from this flight-test, as is their standard practice, in further violations of the SALT II Treaty."

Those encryptions, Mr. President, are standard Soviet practice on every test they conduct. They have been, and increasingly are, encrypting more and more.

That was the one thing that was supposed to give a very unverifiable treaty a little bit of verifiability. And now that is being denied to us.

Why should we, when they intentionally do that, absolve them from our outrage and our judgment on that issue?

I am sorry. I would ask the Senator from Rhode Island, which was the last? If I could have the attention of the Senator from Rhode Island? Which was the paragraph in the findings—in the sense-of-the-Congress?

Mr. PELL. The findings? It was paragraphs 6 and 7, and in the final page, page 3 there, it was paragraph numbered 3.

Mr. WALLOP. I understand. Again, I would say to my friend I know from the standpoint of the Foreign Relations Committee, Soviet behavior is an awkward thing to confront. But I would again say we did not ask them to do this. We have only witnessed that they have. I do not understand what it is that would make us remove paragraphs saying that the Congress condemns the new violations of the SALT II Treaty. We cannot understand that.

This simply says to the Soviet Union, "Do as you wish. Violate as you please."

Mr. PELL. I think where we differ is I do not think it is a violation. You think it is a violation. That is the difference.

Mr. WALLOP. Could I ask the Senator from Rhode Island on what basis he counts it as not being a violation?

Mr. PELL. If it is indeed a violation, it would have to be a new weapon system. I am not satisfied this is a new weapon system.

Mr. WALLOP. On the contrary, it does not have to be a new weapon.

With regard to heavy ICBM, "each party undertakes not to develop, test, or deploy ICBM's which have a launch-weight greater or a throw-weight greater than that of the heaviest, in terms of either launch-weight or throw-weight, respectively, of the heavy ICBM's deployed by either party."

That is pretty clear language. Every identification by the parties calls it a follow-on and the follow-on to the SS-18 is not permitted.

Mr. PELL. I think the Senator makes good points but I stick to my guns. In my mind, it is not a new missile.

Mr. WALLOP. I am not arguing that it is a new missile. I am arguing it is a violation of paragraph 7 of article IV. I can argue later it is a new missile but in terms of this it is a violation of article IV, paragraph 7, of and by its existence. The testing of it is clearly prohibited by that paragraph. Why we would seek in some way to allow that action is beyond me.

Mr. PELL. As I said earlier, it is like a question of a glass of water, is it half empty or half full. To you it is a violation; to me it is not a violation. I am trying to get the opinion of the administration as to their views on this, whether it is a violation. I would either like the consent of the Senator from Wyoming to lay this aside for a while or to ask for a quorum call.

Mr. WALLOP. The frustration must be mounting in America as we quibble in the face of provocation. The administration is not here to vote. Their opinion is irrelevant. We are asking the opinion of the Senate which represents the people of America in all 50 States, two of whom are cosponsors of this legislation who live in the target zone. We can quibble over niceties and try to salve the conscience of the administration, which is interested in the political ramifications of arms control; or we can represent the people of this country, who have been affronted. This is our judgment, not the administration's. The administration can make any response it wishes. This is not binding on that administration. This is a question of what we in this Senate think. If the majority does not wish us to think on our own, I can only say I regret it. It is in their hands.

I must say I cannot understand the behavior that, in the face of this kind of provocation, we are going to quibble and wait for an administration which is not bound by this, when the Senate is ready and very willing to make up its mind as to what it thinks.

Mr. HELMS. Will the Senator yield?

Mr. WALLOP. I yield.

Mr. HELMS. I say to the Senator from Wyoming that I anticipate there will be information available later this afternoon that will leave no question in my mind about this being a violation.

I might say to my friend, the distinguished chairman, I was at the White House this morning and I talked to Mr. Carlucci, the President's National Security Adviser, and urged him to release certain information that is now classified.

I have been notified in the last 5 minutes that probably they will be able to declassify it sometime this afternoon. I think that will answer the Senator's question.

I thank the Senator.

FINAL WORD ON SOVIET MISSILE TESTS

Mr. DOLE. Mr. President, more alarming details continue to filter in concerning the Soviet's use of Hawaii's waters as targets for their ICBM test firings. The actual splashdown areas of the reentry vehicles and their proximity to islands belonging to our 50th State, as well as the reports of Soviet laser shots at our aircraft monitoring the tests, graphically demonstrate the Soviet's callous regard for United States security. Their attempts to intimidate us should clearly be recognized for what they are.

GOVERNOR AGREES

Our citizens in Hawaii seem to agree. I'm aware that hundreds have expressed their concerns to their elected representatives here in Washington and words such as "intolerable" and "inexcusable" dominate the responses. They are unanimous in not wanting to be, as Hawaii Congresswoman SAIKI said yesterday, the bullseye for Soviet missile warheads.

Mr. President, I ask unanimous consent that the text of the Governor of Hawaii's telegram to President Reagan, expressing his objection to the Soviets action, be printed in the RECORD at this time.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SEPTEMBER 7, 1987.

The PRESIDENT,

The White House, Washington, DC:

I have received reports of the Soviet Union test-firing ICBM's at targets near Hawaiian shores.

I would like to express my immediate concern and objection to this action. On behalf of an island people who know first-hand the terrors of war. I ask you to express our protest of this action to the Government of the Soviet Union.

Respectfully,

JOHN WAIHEE,
Governor, State of Hawaii.

Mr. President, I would also remind my colleagues that such an outrageous action as we have witnessed the last few days near Hawaii further indicates, more than ever, the need for some form of strategic defense. I would be curious to know how many among the people of Hawaii now favor some form of strategic defense. I'm sure that it was a majority before, as it is across all of America—it is probably a super majority today.

The actions by the Soviets underscore why we should not legislate unilateral restrictions on the means to protect ourselves from test launches that go astray or even accidental launches.

THE RESOLUTION

I would encourage my colleagues to join the sponsors of the resolution condemning the Soviets for their actions and letting them know that we will not tolerate any other flight tests aimed directly at United States territory. This is an immediate signal we

need to send—firmly, directly, and unanimously.

AMENDMENT NO. 843

(Purpose: To record the Senate in opposition to obstructing national defense programs in order to comply with treaties or provisions thereof which the President has certified that the Russians are violating unless such violations cease and the State of Hawaii is never again placed in jeopardy by a Soviet ICBM test)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 843 to the Wallop amendment numbered 842.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the Wallop Amendment the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, no national defense program of the United States shall be impeded or delayed in order to comply with any treaty or proposed treaty or provision thereof which the President has certified to Congress that the U.S.S.R. is violating unless and until the President shall thereafter certify to Congress that the U.S.S.R. is no longer violating such treaty or such provision and will not again use impact areas adjacent to the State of Hawaii or any other State or territory of the United States for testing ICBMs or any other nuclear weapons delivery system.

Mr. HELMS. Mr. President, I will make my comments on the amendment subsequently.

Mr. WALLOP. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there objection? It takes unanimous consent to order the yeas on the underlying amendment.

Mr. WALLOP. Mr. President, I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wyoming has the floor. Does he yield for that purpose?

Mr. WALLOP. Mr. President, I will, after making the following observation. It is not acceptable to this Senator that we face this quibbling, but face it we do. It is within the power of the Senator from Rhode Island to object. He will not permit my unanimous-consent request. Therefore, if that is his wish and desire, I surely yield to that. I only just express my regret.

The PRESIDING OFFICER. Does the Senator wish to repeat his request?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANFORD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, as the distinguished minority leader is committed to leave this city shortly, I ask unanimous consent—and I have cleared this with the other side—that the pending amendments be set aside temporarily to accommodate Senator DOLE in offering an amendment which has been agreed to by both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Senator DOLE will be here momentarily. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 841

(Purpose: To authorize appropriations for the United States contribution to the International Wheat Council)

Mr. DOLE. Mr. President, I understand the pending amendment has been temporarily set aside.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I have an amendment which I understand has been cleared on both sides which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], proposes an amendment numbered 841.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, between lines 7 and 8, insert the following new subsection:

(d) INTERNATIONAL WHEAT COUNCIL.—Of the funds authorized to be appropriated for the fiscal year 1988 by this section, not less than \$388,000 shall be available only for the United States contribution to the International Wheat Council.

INTERNATIONAL WHEAT COUNCIL

Mr. DOLE. Mr. President, I am offering an amendment that would instruct the State Department to pay current and back dues for the International Wheat Council [IWC]. The IWC administers the international wheat agreement, a treaty that has been signed by the United States. But not yet ratified by this body. Hearings were held in the Foreign Relations Committee in late September and all witnesses spoke favorably of the agreement.

Pending approval by the Senate, however, the IWC has a severe budget crunch because the United States is not current on its dues. We still owe a portion of our 1986-87 dues which amount to \$133,000 and we have not paid our 1987-88 dues of slightly over \$250,000.

IWC'S ROLE

Mr. President, the IWC fulfills a number of important roles. It is widely recognized as one of the most reliable and important sources of international grain trade data. Its estimates and projections are used by USDA, by the grain trade and by farmers.

It also monitors its members' compliance with their international food aid obligations in which the United States has always exceeded the minimum levels of humanitarian aid obliged under the treaty.

The IWC could also provide a useful function during the ongoing GATT round. The IWC provides a neutral ground on which major players can meet for dialog and informal negotiations. It already plays this role, even including some major grain producers that are not GATT members, and its visibility is bound to increase as the new GATT round progresses. Through the IWC, American farmers have the opportunity to engage their counterparts in competing nations and their customers in importing countries.

In addition, the IWC is a primary source of objective data and analysis on various nations' grain policies, production and prices. Such an objective source will be essential if the 92-member nations of GATT hope to agree on a common ground for comparing their national policies in an effort to make reforms on a mutually agreed basis.

CONCLUSION

In world grain trade, the IWC has a most precious commodity—credibility. It is widely viewed as an organization without an ideological agenda of its own; one that does not unfairly favor one major exporting nation's interest over another. My amendment simply meets obligations the United States has already undertaken. It makes sure we will pay our fair share of the IWC's expenses, which share is, by the way, one of the proportionately lowest in any international organization. The amendment requires payment of IWC

dues to come from existing State Department funds and I would urge its passage by the Senate.

This is the purpose of the amendment. I think it has been cleared on both sides.

Mr. PELL. That is correct.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. I thank the manager of the bill for accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. DOLE].

The amendment (No. 841) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I suggest the absence of a quorum.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, would the distinguished Senator withhold that while the distinguished Republican leader is on the floor, so we can have some idea what the schedule will be beginning Tuesday. This bill obviously will still be before the Senate, I presume because this being the Yom Kippur religious day that is coming up tomorrow I have indicated to Senators there will be no rollcall votes today, certainly after 3:30. We would have to stack these, if they were ordered at that point or thereafter, certainly for Tuesday. Tuesday is the first day of not the Gregorian calendar but the Byrd calendar. [Laughter.]

So Tuesday is what I am saying; vote early on Tuesday of some kind so that Senators will know. As has been our habit, there will be a 30-minute rollcall. Other voters by order, of course, are 10-minute rollcall votes. That will be a 30-minute rollcall vote, and the call for the regular order will be made. So Senators who are informed in advance can prepare themselves.

After State-Justice, I want to go to the catastrophic illness legislation. I have tried to get to that legislation a number of times, and objections were made before the recess. The Republican leader made objections on behalf of others, which he felt compelled to do. I respect that. But we were told repeatedly that when the recess was over it was hoped that those problems would be worked out. Well, I find they have not been worked out. So I have no alternative but to ask unanimous consent to go to it. I am not asking right now, but I will ask unanimous consent today. I can do it while the distinguished leader on the other side is here, I can ask unanimous consent now, I can wait, but I will make that request today, and if that is objected to, I will move and I will put a cloture motion on that motion, and that cloture motion would ripen one day next week. I would then take action to

withdraw that motion so that the Senate will continue work on this bill, and next week we will have a cloture vote on the catastrophic illness. Perhaps in the meantime then we could get consent.

But I want to alert the Republican leader that I think that is a course I have to take, and time is running out. The calendar is running out. Senator BENTSEN is going to be busy in conference with the trade bill. He will be busy on the reconciliation measure, and it is some inconvenience to him if we delay much longer going on the catastrophic illness bill.

I do not want to delay the Republican leader. He has to leave the floor.

Mr. DOLE. If the majority leader will yield.

Mr. BYRD. Yes.

Mr. DOLE. It may be, and I do not want to mislead the majority leader, that we are down from 12 to 3 or 2 objections, I think. And the ranking member of the Finance Committee, Senator PACKWOOD, has indicated he would have no objection if it were brought up sometime this next week. I would have to check with the other two. There might be some way to protect what the majority leader wants to do, and still not make the request or file cloture today. If we could have some agreement, if we could not get unanimous consent say on Tuesday, that cloture motion will be filed and voted on or something. But if I could check the other two, I think there were three, and then get back to the Senator in the next 25 or 30 minutes.

Mr. BYRD. I do not want to detain the distinguished Republican leader. May I say to the leader, if it be of any help to him, those same two or three objections I have heard over and over and over. The Senator has, and the Republican leader has. So I see no way to go except to ask consent, and if it is objected to, I will move. And I have the cloture petition ready, and I will put it on. Then those two or three who are objecting would have the opportunity next Wednesday to either vote against cloture or in the meantime to work a little harder to try to reach some resolution of the problem. But I just cannot continue to hold off.

I will not make the request right now. Before the day is over I will make the request, and I will offer the cloture motion on the motion.

I hope that will help the leader. He has been long suffering in this matter with me. I wanted to say this so the leader would know.

Mr. WALLOP. Mr. President, will the majority leader yield?

Mr. BYRD. Yes.

Mr. WALLOP. Mr. Leader, while the distinguished Republican leader is present, let me say that I am one of those for which objection is raised. Not that I have any comments against

the idea of catastrophic health legislation, but there has been a serious effort on the part of the administration, Senator BENTSEN, Senator PACKWOOD, and others to resolve some very real serious disagreements and problems concerning the expense of the measure. And it may well be that little time will be beneficial while they are negotiating, and I agree with the majority leader the administration has been less than energetic up until this moment in their negotiations.

At this moment, I suggest that it probably would save time to get those serious problems of expenses resolved. So that the leader will know and the distinguished minority leader will know, if I am on the floor I will object; or, if I am not on the floor, I will ask somebody to do so on my behalf.

I understand your desire to get along.

Mr. BYRD. I thank the distinguished Senator.

The administration has had plenty of time. I have known for several weeks that the administration has had problems with this bill and is trying to work something out. The best way to get it worked out is to let the administration know that we are going to go on the bill or at least will have to invoke cloture to get on it.

I am not setting the agenda here to accommodate the administration; not at all. The administration had plenty of time to work on this. The administration, if it opposes something, will never move unless it is pushed.

So, with all due respect to the distinguished Senator, he has every right to object and to oppose the bill, or whatever. But I will say at this point that if the administration is now becoming interested, maybe they will be stimulated to greater activity when they find out that patience up here is running out.

Mr. WALLOP. We have been referred to by numbers, and I wanted him to know that there was a real body beyond at least one of those numbers. We have been referring to the Republican leader's objectors as numbers, and I assure the majority leader that one of them, at least, has flesh and blood.

Mr. BYRD. I appreciate that.

I think the Senators who want to make the objections ought to be here to object, so that the flesh and blood can speak for itself.

I have not doubted the Republican leader as to there being real flesh and blood behind the objectors. That settles that. We know one of the objectors. He will be here to object.

Mr. DOLE. If I am not present, the distinguished manager of this bill on our side, Senator HELMS, indicated that he would object, and you could proceed with the cloture.

Mr. BYRD. I thank the leader.

The PRESIDING OFFICER. It should be noted by the Chair that the earlier motion to reconsider and lay on the table was carried and, without objection, it will be so noted in the Journal.

Mr. BYRD. Mr. President, so that the distinguished Senator from Wyoming may object—there may be ghost writers, but there are no ghost objectors around here—I ask unanimous consent that upon the disposition of the pending measure or no later than next Wednesday, the Senate proceed to the consideration of the catastrophic illness legislation. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. So, at some point I will make the motion. Perhaps I had better do that now.

Mr. HELMS. Mr. President, I ask the majority leader for his reaction to the suggestion made to me a number of times by Senators who have one foot out the door: Will he be amenable to stacking the votes and declaring now that there will be no more rollcall votes? I am asking for myself.

Mr. BYRD. Mr. President, I think that is a fair request.

I ask unanimous consent that any rollcall votes that are ordered on this measure be stacked, the first to begin at 9 o'clock on Tuesday morning next. That would be a rollcall vote.

I ask unanimous consent that any rollcall votes ordered on or in relation to the pending measures be stacked, to begin at 9 a.m. on Tuesday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. Mr. President, I think I hear the clatter of feet running down the hall.

I know they thank you very much.

Mr. BYRD. I think it was a good suggestion.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from North Carolina to the pending amendment.

Mr. HELMS. Will the distinguished chairman forgive me? I was conferring, and I did not hear him.

Mr. PELL. I was asking what the pending business was. I suggest that on a temporary basis, it be laid to one side. We are still trying to work out something on the amendment by Senator WALLOP.

Mr. HELMS. The Senator is speaking of the amendment of Senator WALLOP?

Mr. PELL. Yes.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the State Department authorization bill. The Senator's amendment is the pending question.

Mr. HELMS. Therefore, the Wallop amendment has not yet been laid aside.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 843, AS MODIFIED

Mr. HELMS. Mr. President, I send to the desk a modification of my second-degree amendment.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

In the Helms amendment to the Wallop amendment, insert between the words "and" and "will" on line 8 the following: "that the U.S.S.R. has given formal assurance that it".

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

Mr. HELMS. I thank the Chair.

The modified amendment is as follows:

Add at the end of the Wallop amendment the following new section:

"Sec. . . Notwithstanding any other provision of law or of this Act, no national defense program of the United States shall be impeded or delayed in order to comply with any treaty or proposed treaty or provision thereof which the President has certified to Congress that the U.S.S.R. is violating unless and until the President shall thereafter certify to Congress that the U.S.S.R. is no longer violating such treaty or such provision and that the U.S.S.R. has given formal assurance that it will not again use impact areas adjacent to the State of Hawaii or any other State or territory of the United States for testing ICBMs or any other nuclear weapons delivery system."

Mr. PELL. Mr. President, I ask unanimous consent that the amendment of the Senator from Wyoming be temporarily laid aside and the amendment of the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. PELL. I yield.

Mr. BYRD. Mr. President, as to the 9 o'clock vote on Tuesday, I ask unanimous consent that the request as I put it be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senators may be assured that any votes on which rollcalls are ordered with respect to amendments and motions will be stacked, but I am not making the request right now. Obviously, if there is a rollcall vote ordered on final passage of the bill, that would not be stacked, unless the bill has gone to third reading in the meantime. I simply state that it is my intention that any rollcall votes ordered this

afternoon will be stacked for Tuesday. But I can say with assurance to all Senators that there will be a rollcall vote at 9 on Tuesday.

If it is the usual vote that gets Senators here and gets them busy and gets them to concentrate on their work and moves them along, as we have been moving lately, it will be a Sergeant at Arms vote, if nothing else.

Mr. HELMS. Mr. President, I believe that the Senator from West Virginia cannot give up his West Virginia habit of working 6 days a week, and that is the reason he refers to Monday.

AMENDMENT NO. 845

(Purpose: To approve amendments to the Constitution of the Intergovernmental Committee for European Migration)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 845.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following amendment:

"The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, and, upon entry into force of the amendments to such constitution approved in Geneva, Switzerland, on May 20, 1987, to continue membership in the organization under the name International Organization for Migration in accordance with such constitution and amendments. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participating in the Committee."

Mr. BYRD. Mr. President, will the distinguished Senator yield to me, while the Republican leader is here?

Mr. PELL. I yield.

CATASTROPHIC ILLNESS

Mr. BYRD. Mr. President, I believe that we perhaps have reached a resolution of the matter with respect to taking up the catastrophic illness bill.

I ask unanimous consent that the Senate proceed to the consideration of the catastrophic illness legislation upon the disposition of the pending measure or no later than 2 p.m. on Thursday next.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object—

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1127, the catastrophic illness coverage legislation, upon the disposition of the pending legislation, or not later than 2 o'clock p.m. on Thursday next.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and I will not object, I would like the RECORD to show that we have had a discussion here and the majority leader has assured me that if we are within goal line distance that this bill will not be laid aside.

Mr. BYRD. Mr. President, I will do everything in my power within the rules to be flexible enough to deal with that situation.

Mr. HELMS. I think it may work out without any problem, but I would hate to get down to one more amendment or two and then have the bill taken back to the bleachers.

Mr. BYRD. Yes. Let us reach that situation. If we reach a situation in which the light is at the end of the tunnel and we can finish this bill within a couple hours, I would be happy to delay until the next day going to the catastrophic illness coverage legislation. In the meantime, if we finish this much earlier, if the Republican leader can get legislation to fill the gap, we will not call the catastrophic bill up before Thursday at 2 o'clock.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished leader on that side. I hope I have not imposed on him.

I thank the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Senator.

Mr. BYRD. I thank the chairman, Mr. PELL.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

AMENDMENT NO. 845

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, to resume consideration of my amendment. What this amendment does is approve on behalf of the United States various amendments to the constitution of the Intergovernmental Committee for European Migration, the organization already known by the designation "ICM," for Intergovernmental Committee for Migration—in recognition of its world wide role, extending well beyond the European region that was its province when it was founded in the early 1950's.

The most notable change that the amendment would facilitate is in the name of the organization, from ICM to IOM, for "International Organization for Migration." It was felt by the members of the organization that calling it a "committee" was inappropriate for an organization of 33-member States, and that the title "International Organization for Migration," or IOM, in fact more accurately reflects the actual nature, and responsibilities, or the organization.

Other changes that would be approved through this amendment are designed to up-date the organization's constitution to reflect more accurately the kinds of migration and refugee assistance activities that ICM now conducts, to up-date provisions regarding the failure of member States to meet their financial obligations, and to improve the financial management of the organization.

Mr. President, the U.S. Government was a founding member of ICM and has long played a key role in its leadership and operations. The very able director of the organization, James L. Carlin, is an American—indeed a former foreign service officer. His associate most responsible for the revision of the constitution is George L. Warren, Jr., whose late father, George L. Warren, Sr., played a key role in the founding of ICM. The distinguished service of the two George Warrens, father and son, is well-reflected in the organization's constitution, which George Sr. helped write and whose revision now before us is a credit to George Jr. Director General Carlin's leadership has helped move the organization forward to keep pace with the challenges it has faced in recent years. It has assisted in the movement of the great majority of the Indochinese and other refugees that have come to the United States in the past decade—over 1 million persons in all—and is now working creatively to expand its other programs of assistance to intergovernmental migration.

Mr. President, this amendment is technical in nature and has bipartisan support. It did not come to our attention until after committee consideration of the State Department authorization was completed, so it is necessary for us to agree to its addition on the floor.

Mr. PELL. I ask for immediate consideration of this amendment. It has been cleared, I understand, both on the Republican side and on the Democratic side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 845) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I wish to send an amendment to the desk.

The PRESIDING OFFICER. The Senator needs to seek consent to set aside the pending amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent to set aside the pending amendment so that I may present this amendment which has been cleared.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 846

(Purpose: To authorize the granting of diplomatic and consular privileges and immunities to offices of the Commission of the European Communities which are established in the United States)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 846.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 17 and 18, insert the following new section:

"SEC. 146. PRIVILEGES AND IMMUNITIES TO OFFICES OF THE COMMISSION OF THE EUROPEAN COMMUNITIES.

"The act entitled 'An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof', approved October 18, 1972 (86 Stat. 815), is amended by adding at the end the following: 'Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

"(1) the privileges and immunities described in the preceding sentence; or

"(2) as appropriate for the functioning of a particular office, privileges and immunities equivalent to those accorded consular premises, consular offices, and consular employees, pursuant to the Vienna Convention on Consular Relations'."

Mr. CRANSTON. Mr. President, this is an amendment that I understand has been cleared on both sides of the aisle which would allow the European Community to open consular offices. This amendment gives the President the discretion to grant privileges and immunities to any such office.

The European Community and the United States are each other's largest trading partners, and together account

for almost a third of world trade. Our relationship with the EC is obviously very important, yet it is also very complex. At a time when we are striving to remedy our trade deficit, I believe we must take every step possible to expand trade; we must increase our understanding of our trading partners and strengthen our relations with them. By allowing the EC to open a consulate in the United States, we will be doing just that.

Because the European Community is neither a sovereign nation nor an international organization to which the United States belongs, it is not covered by U.S. law granting diplomatic privileges and immunities. However, because our relationship with the EC is similar to that of other sovereign states, the United States decided long ago it was important to extend diplomatic privileges. Congress passed special legislation in 1972 giving the President the power to extend such privileges to the EC. Pursuant to an Executive order signed by President Nixon, the EC has maintained a delegation with full diplomatic status here in Washington since that year.

Because of the magnitude of international trade originating in the West, the EC would like to have representatives in that region to foster better trade relations. The facts speak for themselves: California is the sixth largest economy in the world in GNP terms; California contributes to all aspects of American economic life, and west coast products are often at issue in trade relations between the EC and the United States. Consulates of member states cannot serve the same purpose as an EC consulate because the EC is the official voice for all member states on trade policy.

While the State Department and the White House support opening a consulate on the west coast, the 1972 law only specifies privileges and immunities for the EC's Washington office. Therefore, in June, I introduced a bill, S. 1336, which would give the President the authority to extend privileges and immunities to consular offices of the EC. The House has already passed the same provision, sponsored by Congressman LANTOS, as part of its State Department authorization.

I ask unanimous consent that a letter from Assistant Secretary of State J. Edward Fox be included in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, I am certain that a consular office of the European Community on the west coast would be mutually beneficial. I urge my colleagues to support this amendment which will enable such an office to be opened.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, DC, June 4, 1987.

HON. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: In response to your request dated April 22, 1987, the following comments of the Department of State with respect to H.R. 1869 are submitted for the consideration of the Committee on Foreign Affairs. The Department of State fully supports and endorses passage of this legislation. As outlined below, this legislation would serve to facilitate the continued development of relations between the United States and the European Communities (EC).

Relations with the EC are conducted in the United States through two distinct channels: via the Embassy representing the country which occupies the EC presidency for the six-month period in question and via the Representative to the U.S. of the Commission of the European Communities. While the EC has some of the attributes of sovereignty, it is not a sovereign State under international law. Similarly, while the EC is an organization composed of sovereign States, it is not an "international organization" within the meaning of the International Organization Immunities Act (22 U.S.C. 288) since the United States is not a party to the EC or to the treaties establishing it.

Nevertheless, the nature of the relationship between the United States and the EC is closely analogous to the diplomatic relations which the United States maintains with other sovereign States and, in the early 1970's, the United States concluded that it would be appropriate to extend to the Representative of the Commission of the European Communities, his staff and his facilities, the same privileges and immunities which are extended to foreign diplomatic missions and their personnel. Since neither the legal status and attendant privileges and immunities applicable to foreign diplomatic missions nor those applicable to international organizations in the United States were relevant in the case of the EC Commission, Congress enacted legislation expressly granting to the President the power to extend such privileges and immunities to the Mission to the United States of the Commission of the European Communities (Pub.L. 92-499), October 18, 1972, 86 Stat. 815; 22 U.S.C. 288h). By Executive Order No. 11689, dated December 5, 1972, President Nixon extended such privileges and immunities to the Mission and its officers.

In 1976 the Department of State determined that it would be appropriate to extend diplomatic level privileges and immunities to the EC's Observer Mission to the United Nations in New York and, as an interim measure pending legislation, permitted the opening in New York of a branch of the EC Mission in Washington in a manner directly analogous to the treatment afforded to the national Observer Missions to the United Nations which maintained diplomatic missions in Washington (e.g., Switzerland). Relations between the United States and the European Communities have continued to develop, and it would be in the interest of further development of this relationship to permit the EC to open offices in other locations in the United States, such as sovereign States do with their consulates. As in the case of the EC Mission in Washington, it would be appropriate to afford

these additional EC offices privileges and immunities of a level comparable to that granted sovereign States represented in these other locations. Recently, the EC and the United States have agreed that it would be beneficial for an EC Commission Office to be opened in San Francisco. The Department of State considers that the more limited privileges and immunities normally applicable to consular posts and their personnel would be appropriate for this office.

Accordingly, the Department of State fully supports H.R. 1869. It will provide a legislative basis for appropriate privileges and immunities to be afforded the EC Observer Mission in New York, the new EC office in San Francisco, and such other offices as may be agreed to in the future.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative
and Intergovernmental Affairs.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the amendment has been cleared on this side.

Mr. PELL. Mr. President, the amendment has been cleared on this side.

Mr. CRANSTON. I thank both Senators.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 846) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. I thank both Senators very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask that Senators who have amendments to the State Department authorization bill come to the floor to offer them.

As the majority leader said, those amendments will be stacked. But I would hope they would be offered at this time and debated and decided and wait until Tuesday to actually vote on them.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Senator's amendment.

Mr. HELMS. I thank the Chair.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. BYRD. Mr. President, while no one is seeking the floor, there will be

no more rollcall votes today. I would ask the managers to alert me before stacking any rollcall votes for Tuesday. It is perfectly all right if the Senator wants to set this amendment aside and go ahead with the other amendments to the point of ordering the yeas and nays on them. But I would like to help with stacking. I thank all Senators.

AMENDMENT NO. 843, AS MODIFIED

Mr. HELMS. Mr. President, the pending amendment in the second degree has a very clear purpose and highly salutary one—that of avoiding unilateral disarmament by the United States. I do not think anything could be clearer than that or more important than that. It simply realizes the realities and it requires the President to report to the Congress whether the Soviet Union is no longer violating all existing arms control treaties. Such a requirement, I believe all Senators will or should agree, is both logical and reasonable.

Perhaps it would be worthwhile at this point—and I shall be brief about it—to remind the Senate, for the purpose of the CONGRESSIONAL RECORD, as to certain basic facts about arms control and its history.

Let us go back to May 9, 1972. That was the day that the United States, in an official statement to Congress, announced its intentions to withdraw from the SALT I ABM Treaty. And here is exactly what the announcement said:

The United States [SALT I] Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within 5 years, United States supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.

Second, 15 years after the United States made the policy declaration of May 9, 1972, to which I have just alluded, the United States has still not yet achieved the objective of "an agreement providing for more complete strategic offensive arms limitations."

Third, President Reagan reported to Congress on June 3, 1986, that there was a "growing strategic imbalance between the United States and the U.S.S.R." President Reagan added that the Soviet Union now has a "first-strike capability" which was "seriously eroding the stability of the strategic balance," and which has resulted in a "loss in the survivability of United States strategic forces."

Fourth, I would point out that article XV of the SALT I ABM Treaty, which was ratified on October 3, 1972, states:

Each party shall, in exercising its national sovereignty, have the right to withdraw

from this treaty if it decides that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests.

Fifth, President Reagan reported further to Congress that the siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM battle management radar "directly violates" three provisions of the SALT I ABM Treaty. Both the Senate and the House of Representatives have now each voted unanimously that the Krasnoyarsk radar is a "violation" of the SALT I ABM Treaty.

Sixth, President Reagan has also reported further to Congress that it is highly probable that the Soviet Union has conducted multiple tests of surface-to-air missile interceptors and radars in a prohibited ABM mode, and has developed a prohibited mobile ABM system. The President has also reported to Congress that "all Soviet large-phased array radars * * * have the inherent capability * * * of contributing to ABM battle management, * * * and LPAR's have always been considered the long leadtime elements of a possible territorial defense." President Reagan added that the Soviet Union "may be developing a nationwide ABM defense" in direct contravention of article I of the ABM Treaty, which, by the way, Mr. President, is the most important provision of the treaty.

Mr. President, I believe that the Soviet strategic offensive and defensive buildups have placed the supreme interests of the United States in jeopardy. Many other Senators feel the same way. I believe further that the President should be required to report to the Senate whether the Soviets are in fact no longer violating all existing arms control treaties.

So the pending amendment, the second-degree amendment to the amendment of the distinguished Senator from Wyoming, Mr. WALLOP, simply provides that the President of the United States should make such a report, in order to preclude U.S. unilateral disarmament. Moreover, the recent Soviet attempt at nuclear blackmail, by their provocative flight-tests of their SS-X-26 superheavy ICBM aimed at Hawaii, makes it all the more imperative that the United States not engage in unilateral disarmament.

Mr. President, earlier this afternoon, I mentioned that I visited with the President at the White House this morning and I also had a discussion with Frank Carlucci, who is the National Security Adviser to the President. I made the point that the then-classified information relating to the Hawaiian Islands being used as target practice by the Soviets, that this information should not be classified. Now it has not been declassified yet, but I un-

derstand that certain information relating to that has been declassified and it is on its way to me in this Chamber at this moment.

Now, my point is, I think the American people ought to be let in on what is happening, what the Soviet Union is doing, and not have this information obscured by classification. After all, the Soviets know what they did and we know what they did. Just about the only people who do not know are Members of Congress and the American people. I think the latter two groups, especially the American people, ought to be let in on information and apparently the White House agrees with that.

Mr. President, I yield the floor. Thank you very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think many of these issues that were so ably discussed by the Senator from North Carolina have been discussed in the last couple of weeks and voted on in connection with the Department of Defense authorization bill.

The effect of this amendment would be to open the way to violation by the United States of all major arms control treaties with the Soviet Union.

This provision could lead to the destruction of the ABM Treaty and the 1963 Limited Test Ban and undermine any prospects for ratification of the Threshold Test Ban and Peaceful Nuclear Explosion Treaty.

Just as the President is trying to forge new agreements, the Senate, rather than uniting behind the President, would be trying to unravel the existing arms control regime.

To my mind, this is not sound foreign policy. It is simply capricious mischief-making and should be treated as such by the Senate.

At the appropriate time my own view is that we should move to table it.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. The amendment of the Senator from North Carolina is the pending business and when the time comes I will move to table.

Now we could move on and recognize the Senator from Maine—

The PRESIDING OFFICER. Does the Senator from Maine seek recognition?

Mr. HELMS. Just a minute, Mr. President. What was the unanimous-consent request?

The PRESIDING OFFICER. There has been no unanimous-consent request.

Mr. HELMS. You have to have a unanimous consent to lay aside the pending amendment. And I ask unanimous consent that it be laid aside temporarily and the regular order bring it back.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Could you repeat it?

Mr. HELMS. Laying aside the pending amendment temporarily; of course regular order would bring it back.

Mr. PELL. Of course.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. PELL. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 847

(Purpose: To provide for a Samantha Smith Memorial Exchange Program to promote youth exchanges between the United States and the Soviet Union, and for other purposes)

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], on behalf of himself, Mr. COHEN, and Mr. SIMON proposes an amendment numbered 847.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, between lines 12 and 13, insert the following new section:

SEC. 218. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM.

(a)(1) The purpose of this section is to promote friendship and understanding between the United States and the Soviet Union through the establishment of a program for the exchange of youths of the two countries and to recognize the contribution made by Samantha Smith in furthering this goal.

(2) To carry out the purposes of this section, the Bureau of Educational and Cultural Affairs (hereafter in this section referred to as the "Bureau") is authorized to provide by grant, contract, or otherwise for educational exchanges, visits, or interchanges between the United States and the Soviet Union of American and Soviet youths under the age of 21.

(3) The President is authorized to enter into an agreement with the Government of the Soviet Union to carry out paragraph (2).

(b)(1)(A) The Bureau is authorized to award scholarships to exceptional students—

(i) who have not obtained 25 years of age;

(ii) who are enrolled in institutions of higher education;

(iii) who are studying in the Soviet Union in programs approved by such institutions; and

(iv) who meet the conditions of paragraph (2).

(B) In awarding scholarships under this paragraph, the Bureau shall consider the financial need of the applicants.

(C) Each scholarship awarded under clause (A) may not exceed \$5,000 in any academic year of study.

(2) The Bureau shall prescribe such regulations as may be necessary to establish procedures for the submission and review of applications for scholarships awarded under this section.

(3)(A) A student awarded a scholarship under this subsection shall continue to receive such scholarship only during such periods as the Bureau finds that he or she is maintaining satisfactory proficiency in his or her studies.

(B) Not later than 30 days after the close of an academic year for which funds are made available under this section, each institution of higher education, one or more students of which have been awarded a scholarship under this section, shall prepare and transmit to the Bureau a report describing the level of proficiency achieved by such students in their studies.

(4) For purposes of this subsection, the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

(c) In addition to funds authorized to be appropriated for the Bureau for the fiscal year 1988, \$2,000,000 shall be available in fiscal year 1988 only to carry out the purposes of this section.

(d) Activities carried out under this section may be referred to as the "Samantha Smith Memorial Exchange Program".

Mr. MITCHELL. Mr. President, with Senator COHEN, I propose an amendment to the State Department authorization, which under the United States Information Agency's Bureau of Educational and Cultural Affairs, would establish the Samantha Smith Memorial Exchange Program, to promote greater understanding between the United States and the Soviet Union.

The amendment is identical to S. 1468, which Senator COHEN and I introduced earlier this year, and to S. 1847, which was introduced in the 99th Congress, shortly before President Reagan's Geneva summit with Secretary Gorbachev.

S. 1468 has received bipartisan support. Its cosponsors include, besides Senator COHEN, Senators BRADLEY, BINGAMAN, BOREN, COCHRAN, HEINZ, HOLLINGS, HECHT, INOUE, JOHNSTON, KENNEDY, KERRY, LEVIN, MATSUNAGA, and SANFORD.

The proposal is consistent with the Cultural Exchange Agreement signed at the 1985 Geneva summit, and with President Reagan's faith that "people-to-people contacts can build genuine

constituencies for peace" in both the United States and the Soviet Union.

It also is especially fitting as a memorial to Samantha Smith, the young girl from Maine, who 4 years ago this past summer, journeyed to the Soviet Union. In doing so, she symbolized a hope that world peace might be attained through individual inquiry, and small individual gestures of friendship.

When she was 10 years old, Samantha one morning awoke, wondering if it was going to be her last day on Earth. She was afraid of the nuclear arms race and afraid of war.

However, Samantha Smith was not afraid to try to understand.

She wrote a letter addressed simply to "the Soviet Leader at the Kremlin in Moscow." And, she asked: "Are you going to vote to have a war or not? If you aren't, please tell me how you are going to help to not have a war."

The letter arrived in Moscow. And much to Samantha Smith's own surprise, she received a personal response from then Soviet Premier Yuri Andropov.

Andropov tried to dissolve Samantha's fears. He said: "See for yourself." And he invited her to visit the Soviet Union.

For 2 weeks in July of 1983, Samantha Smith did exactly that. Although the visit accomplished no single, great historic deed, Samantha's desire to travel, to inquire, and to learn for herself greatly inspired millions of people both in the United States and in the Soviet Union.

Samantha's youth, her love of life, and innocence symbolized much of what is at stake in the world. The desire for world peace is a desire for our children simply to be allowed to live and grow.

Upon returning home to the United States, Samantha Smith wrote:

If we could be friends by just getting to know each other better, then what are our countries really arguing about? Nothing could be more important than not have a war, if a war would kill everything.

In August 1985, Samantha Smith died in a plane crash in Maine, along with her father and six others. At her funeral, her school adviser told how he and a group of students had met to talk about how Samantha's life had been cut short. "We made a list of things we would want to do before we died," he said. "We decided we'd like to travel and that we'd like to meet many people. We would want to make some contribution."

For many people, Samantha Smith is still a source of hope and inspiration.

Since the signing of the 1985 United States-Soviet Cultural Exchange Agreement, we have seen an increase in visits and exchanges between ordinary citizens of the United States and the Soviet Union. Many have involved persons from Maine, where Samantha

Smith's memory is especially cherished, just as it is in the Soviet Union.

The State Department authorization bill, as currently written, already contains a minimum of \$2 million for USIA grants, generally, "for exchange of persons programs between the United States and the Soviet Union."

This amendment is consistent with that provision. However, it also strengthens it, providing a special focus on exchanges and interchanges of American and Soviet youth under the age of 21, and scholarships for American undergraduate students studying in the Soviet Union.

The amendment emphasizes our young people, who are our greatest hope for the future. In doing so, the amendment is consistent with the Udall amendment contained in the House authorization bill, which earmarks \$2 million for "student exchanges" between the United States and the Soviet Union.

It also is consistent with the Senate Appropriations Committee Report on Commerce, State, and Justice Appropriations for fiscal year 1988, which provides \$2 million specifically for "student exchanges between the United States and the Soviet Union and Eastern Europe."

The amendment therefore is consistent with the Senate authorization bill, as written, and the House bill, as well as the Senate Appropriations Committee bill, which still awaits floor action.

At the same time, the amendment provides what I believe is an important clarification. "Student exchanges," should be considered broadly so as to encompass a definition which includes exchanges or interchanges of youth generally.

Many valuable programs do not necessarily or directly occur under academic auspices. This past summer, for example, the Samantha Smith Foundation in Maine, helped organize a visit of Soviet children to the United States, which included interaction with American children at a summer camp in Maine, and which did not strictly fall under a narrow "student" definition.

Nonetheless, the amendment still maintains support for student programs. And it does so where such support is needed most: In providing scholarships to American undergraduate students studying in the Soviet Union.

The amendment also provides additional, important clarifications, providing USIA both with discretion and guidance in structuring such programs, such as a requirement to consider "financial need" in awarding undergraduate scholarships.

Most importantly, the amendment would establish such programs—involving United States and Soviet youth, and American undergraduate students—in honor of the young girl

from Maine who helped nurture the spirit of inquiry, hope, and friendship which has led to the growth in American-Soviet exchange programs.

All activities carried out by USIA under this amendment would be known as the Samantha Smith Memorial Exchange Program.

I can think of no better way to honor the young girl from Maine whom millions of American and Soviet citizens came to love, while at the same time building a human foundation of hope for world peace.

Mr. President, I understand this amendment has been cleared on both sides and is acceptable to the managers of the bill.

Mr. PELL. Mr. President, I know it has been cleared on the majority side and I am informed it has been cleared on the minority side.

Mr. COHEN. Mr. President, I would like to join my colleague from Maine in offering this amendment to establish a program of youth and student exchanges between the United States and the Soviet Union. This program would be named in honor of Samantha Smith, a young girl from Maine whose story, I think, is familiar to the Members of the Senate.

Four years ago, Samantha Smith traveled to the Soviet Union as a messenger of goodwill and became a symbol of children's hope for peace. She brought her youth, imagination, and considerable energy to the vitally important task of seeking greater understanding, and in doing so, she captured the world's heart.

I shared the sense of loss at the tragic death of Samantha 2 years ago. In the months following her death, Maine citizens and others suggested ideas for a suitable memorial to her. One was to establish a youth exchange program with the Soviet Union in her memory. In 1985, Senator MITCHELL and I introduced legislation to create such a program under the auspices of the U.S. Information Agency. Earlier this year, we introduced identical legislation, and a bipartisan group of 14 Senators have joined us as cosponsors. Today, we are offering this legislation as an amendment to the Foreign Relations Authorization Act.

Samantha Smith heightened our awareness of the possibilities for improving mutual understanding offered by contacts among young United States and Soviet citizens. However, such benefits will only be realized if many individuals have an opportunity to participate in exchanges. The Samantha Smith Memorial Exchange Program would help to make such a program of regular youth exchanges a reality.

President Reagan has long acknowledged the potential for improved international relations offered by people-to-people contacts, particularly

among youth. In his address to the Nation just prior to his first meeting with General Secretary Gorbachev, the President stated that:

If Soviet youth could attend American schools and universities, they could learn firsthand what spirit of freedom rules our land and that we do not wish them any harm. If American youth could do likewise, they could talk about their interests and values and hopes for the future with their Soviet friends. They would get firsthand knowledge about life in the U.S.S.R.

The President went on to say that "the time is ripe for bold new steps to open the way for our people to participate in an unprecedented way in the building of peace" and that governments should "let people get together to share, enjoy, help, listen, and learn from each other, especially young people."

At that summit meeting, the President and the General Secretary agreed to expand people-to-people contacts and to cooperate in the development of educational exchanges. According to the President, there was additional movement in the area of exchanges at the October 1986, summit in Reykjavik. However, following the summit he emphasized that

The United States remains committed to people-to-people programs that could lead to exchanges between not just a few elite, but thousands of everyday citizens from both our countries.

In the past, I have supported numerous initiatives to promote exchanges of academic specialists, political and military leaders, and artists. These included Senator LUGAR's legislation to provide funding for advanced training and reciprocal exchanges for specialists in Soviet and East European studies. In addition, following a 1984 trip to Moscow, I encouraged the administration to complete negotiations on the umbrella cultural relations agreement that governs most United States-Soviet scientific, educational, and cultural exchanges. The administration successfully concluded these negotiations at the Geneva summit, and artistic and other exchanges resumed again under the auspices of the agreement. Another initiative, led by Senator LEVIN, encouraged the establishment of regular exchanges between United States and Soviet military leaders to promote better mutual understanding. To its credit, the administration followed up on this 1983 suggestion and proposed such military exchanges to the Soviet Union.

However, I share the President's view that heretofore there has been insufficient attention paid to people-to-people exchanges with the Soviet Union, particularly among our youth. Like the President, I believe that there is great potential in this area and that we should not only be open to greatly expanded citizen exchanges but should actively promote them.

Accordingly, as I indicated, Senator MITCHELL and I introduced in the 99th Congress and again earlier this year a bill to authorize the Director of the U.S. Information Agency to establish a program of United States-Soviet youth exchanges and undergraduate study in the Soviet Union. The amendment we are offering today is identical to these earlier bills. Because Samantha Smith has come to symbolize for so many the hope of children for peace, this program would be named in her honor.

I believe that this program will be a significant complement to the exchange programs already in existence, as well as a fitting tribute to Samantha Smith and the hope she represented. I am therefore pleased that the managers of the bill have agreed to accept our amendment.

Mr. MITCHELL. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 847) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 848

(Purpose: To express the sense of the Congress regarding the self-determination of Estonia, Latvia, and Lithuania)

Mr. PELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, on behalf of Mr. RIEGLE, Mr. BYRD, Mr. HELMS, Mr. DIXON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. LAUTENBERG, Mr. KERRY, Mr. PRYOR, and Mr. NICKLES, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. RIEGLE, Mr. DIXON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. HELMS, Mr. LAUTENBERG, Mr. KERRY, Mr. PRYOR, and Mr. NICKLES, proposes an amendment numbered 848.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section.

SEC. . SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds that—

(1) the subjugation of peoples to foreign domination constitutes a denial of human

rights and is contrary to the Charter of the United Nations;

(2) all peoples have the right to self-determination and to establish freely their political status and pursue their own economic, social, cultural, and religious development, a right that was confirmed in 1975 in the Helsinki Final Act;

(3) on August 23, 1939, Soviet Foreign Minister V.M. Molotov and the Foreign Minister of Nazi Germany, Joachim von Ribbentrop, signed a nonaggression pact containing Secret protocols that consigned the Baltic States to a Soviet sphere of influence;

(4) on June 21, 1940, Armed Forces of the Soviet Union overran the independent Baltic republics of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Soviet Union, depriving the Baltic peoples of their basic human rights, including the right to self-determination;

(5) the Government of the Soviet Union continues efforts to change the ethnic character of the population of Estonia, Latvia, and Lithuania through policies of Russification and dilution of their native populations;

(6) the United States continues to recognize the diplomatic representatives of the last independent Baltic governments and supports the aspirations of the Baltic peoples to self-determination and national independence, a principle enunciated in 1940 and reconfirmed by the President on July 26, 1983, when he officially informed all member nations of the United Nations that the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union.

(7) the Baltic peoples continue to show their discontent with the foreign domination of their nations and their ardent hopes for liberty, most recently on August 23, 1987, when simultaneous demonstrations were held in Tallinn, Estonia, Riga, Latvia, and Vilnius, Lithuania to mark the 48th anniversary of the signing of the Molotov-Ribbentrop Pact; and

(8) the Soviet Union continues to deny the people of Estonia, Latvia, and Lithuania the right to exist as independent countries, separate from the Soviet Union and denies the Baltic peoples the right to freely pursue human contacts, movement across international borders, emigration, religious expression, and other human rights enumerated in the Helsinki Final Act.

(b) RECOGNITION AND ACTION BY PRESIDENT.—Congress—

(1) recognizes the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union; and

(2) calls on the President to—

(A) direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26, 1988, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union;

(B) closely monitor events in the Baltic States following the peaceful public demonstrations in Riga on June 14, 1987, and in Tallinn, Riga, and Vilnius on August 23, 1987, and, in the context of the Helsinki Review Conference and other international forums, to call attention to violations of basic human rights in the Baltic States, such as the harassment, arrest, imprison-

ment, or expulsion of those who organize peaceful public demonstrations; and

(C) promote compliance with the Helsinki Final Act in the Baltic States through human contacts, family reunification, free movement, emigration rights, the right to religious expression and other human rights enumerated in the Helsinki Accords.

● **Mr. RIEGLE.** Mr. President, the front pages of the world's major newspapers recently carried news of large-scale, peaceful demonstrations in the Baltic republics of Lithuania, Latvia, and Estonia. Held to commemorate the infamous Molotov-Ribbentrop Pact, which consigned these nations to Soviet control, the demonstrations were dramatic reminders to the Soviet Government and the world of the Baltic peoples' deep desire for freedom. In the aftermath of those demonstrations, the Soviet authorities have taken punitive action against some of the participants, have stepped up efforts to justify the illegal annexation of the Baltic States.

The amendment I am offering today, on behalf of myself, Senator LEVIN, Senator LAUTENBERG, Senator DIXON, Senator KERRY, Senator PRYOR, Senator NICKLES, calls on the President to closely monitor events in the Baltic States following those demonstrations, and to make a statement before the United Nations on July 26, 1988, reaffirming U.S. nonrecognition policy with respect to the illegal Soviet annexation of the Baltic States.

As stated in the amendment, U.S. support for the principle of self-determination and national independence for the Baltic peoples was first enunciated in 1940, and was reaffirmed by President Reagan on July 26, 1983, when he officially informed all member nations of the United Nations that the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union.

Mr. President, statements such as these in support of the Baltic peoples' ongoing struggle for self-determination, for freedom of religion, and for other human rights enumerated in the Helsinki Final Act are critically important in that they strengthen the hand of those who are waging the fight for human rights and self-determination in the captive nations. They must know that we in the West, who enjoy the blessings of freedom, are with them in their struggle. And the Soviet authorities must understand that the fate of the Baltic people will remain a key issue to our Government even as we explore new avenues of cooperation with the Soviet Union.

In adopting this amendment, the Senate will join the House of Representatives in sending that strong message, and I thank my colleagues for their support.●

Mr. BYRD. Mr. President, the peoples of the Baltic States of Latvia, Lithuania, and Estonia, proud people

with long histories and strong cultural traditions, were stripped of their sovereign rights by the Soviets during World War II.

The Soviets outside all civilized bounds of international practice and law, extinguished the human rights of these peoples, and their right to self-governance, and to the full expression of their cultural and political identities. The current Soviet regime would like nothing better than for their voices to be completely stilled.

But these proud people will not be silenced. The massive demonstrations in Estonia, Latvia, and Lithuania, in August of this year, testify to that fact.

The continuing violations of the basic human rights of the peoples of the Baltic States by the Soviet Union must not be tolerated by the United States.

I strongly support the amendment by Mr. RIEGLE and others and applaud its purposes of calling for worldwide attention to the rights of self-determination of these peoples and deploring the violation of those basic rights as enumerated in the Helsinki accords and the U.N. Charter.

Mr. PELL. Mr. President, what this amendment does is to recognize the peaceful demonstrations in the Baltic Republics of Lithuania, Latvia, and Estonia. They were held to commemorate the infamous Molotov-Ribbentrop Pact, which consigned these nations to Soviet control. The demonstrations were dramatic reminders to the Soviet Government and the world of the Baltic people's deep desire for freedom.

Speaking as an individual, I can vouch for their spirit, their toughness, and their strength because, for a period of time, I remember being the Baltic desk officer in the State Department and came to admire very much indeed the bravery and resilience of the unhappy inhabitants of these republics.

Mr. President, this amendment has been cleared on both sides of the aisle. I ask for its immediate consideration.

The **PRESIDING OFFICER.** Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 848) was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 849

(Purpose: To make available funds for studies and plans for a consolidated training facility for the Foreign Service Institute)

Mr. HELMS. Mr. President, on behalf of the distinguished Senators from Virginia, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for Mr. TRIBLE and Mr. WARNER, proposes an amendment numbered 849.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 48, between lines 7 and 8, insert the following:

SEC. 138. STUDIES AND PLANNING FOR A CONSOLIDATED TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.

Section 123(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer up to \$11,000,000 for 'Administration of Foreign Affairs' to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural and engineering planning under subsection (b)."

On page 2, in the table of contents, after the item relating to section 137, insert the following new item:

Sec. 138. Studies and planning for a consolidated training facility for the Foreign Service Institute.

● **Mr. TRIBLE.** Mr. President, I offer an amendment today that will help to enhance the Nation's Foreign Service by authorizing work on a new Foreign Service Institute at Arlington Hall, VA.

Two years ago, the Senate Foreign Relations Committee adopted an amendment I offered which authorized the Secretary of State to spend \$11 million for site design and preparation on a new Foreign Service Institute. That amendment was signed into law as part of the State Department's fiscal 1986-87 authorization bill.

Unfortunately, progress on the new Institute has been slow. As a consequence, the authorization for funding of site design and preparation at Arlington Hall expired yesterday with the end of fiscal 1987.

Mr. President, I believe it is essential that the United States have an effective, well-trained Foreign Service. As

the chairman of the Foreign Relations Committee, Senator PELL, has said—the Foreign Service is often America's first line of defense. A new Foreign Service Institute will help to guarantee that our Foreign Service is as effective as possible.

For that reason, the amendment I offer will extend indefinitely the \$11 million authorization for site design and preparation on a new FSI at Arlington Hall in Virginia. This is a necessary first step toward completion of the new Institute, now planned for 1991.

This amendment is strongly supported by the State Department. I urge its adoption by the Senate. ●

Mr. HELMS. Mr. President, this amendment and two other amendments which I will offer have been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 849) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 850

(Purpose: To reduce the U.S. Taxpayers' obligations in regard to the housing of U.S. employees at the United Nations)

Mr. HELMS. Mr. President, I send an amendment to the desk and while it is being stated and while the amendment is going to the desk, I will say it has been cleared by both sides.

The PRESIDING OFFICER. Once again the Senator needs to ask unanimous consent to set aside the pending amendment.

Mr. HELMS. Which I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 850.

On page 111, between lines 16 and 17, insert the following new section:

SEC. . LIMITATIONS ON HOUSING EXPENSES FOR U.S. EMPLOYEES AT THE UNITED NATIONS.

(a) Section 119(1) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is hereby repealed.

(b) Section 9 of the United Nations Participation Act of 1945 is hereby amended by inserting a comma after the word "allowance" in subsection (1) and inserting the following: "not to exceed \$1,500 per month."

Mr. HELMS. Mr. President, I thank the distinguished clerk for reading the amendment. I thought it essential that he do so on this one.

As I indicated earlier, this has been worked on on the two sides, but let me

make a few comments before we vote on it.

Mr. President, a few years ago the State Department presented to Congress a legislative proposal they claimed would save the taxpayer money. Rather than paying a high, but reasonable, housing supplement to those employees required to live in the area immediately adjacent to the United Nations because of their official responsibilities, the proposal was to allow the Department to lease housing under Government lease, thus enabling the Department to benefit from New York's rent control laws.

It seemed like a reasonable idea, and the proposal was enacted into law in 1981.

Despite the Department's claim that this proposal was designed to save money, a very different situation has been justified on the basis of that legislation.

Rather than saving the taxpayer money, the Department of State has gone out and leased apartments at astronomical rents, up to \$90,000 a year, for its employees in luxury apartment buildings in New York. To compound the problem, it has taken the legislation enacted in 1981 as the basis for declaring that some of the senior officials working in New York are to be given full "official residence" entitlements, thus authorizing the State Department to charge the American taxpayer for providing these employees with full-time servants, Government-provided antiques and other expensive furnishings, and so forth.

One employee at the U.S. Mission to the United Nations is now receiving from the American taxpayer, in addition to his \$70,000 or more annual salary, an apartment costing \$85,000, a maid costing the taxpayers \$20,000 a year, and a collection of rented furniture costing the taxpayer \$18,000 a year. That comes out to a grand total of \$123,000 a year from the taxpayers to provide this one employee with subsidized housing in New York.

It is a ridiculous expense.

My amendment addresses this situation by restoring the law on housing subsidies in New York to that which existed prior to 1981. The authority to lease housing in New York is restricted once again to the principal U.S. representative to the United Nations.

The housing subsidy program is maintained, however, for those employees who have significant representational responsibilities that require them to live in the high-rent district immediately adjacent to the United Nations headquarters building. If they do not have representational responsibilities, they are not authorized any subsidized housing. No other Federal employees in New York are given housing subsidies, and it is my belief that the most rigorous standards must be established to provide an exception-

al subsidy to the State Department employees at the United Nations.

The subsidy is limited to \$1,500 a month, or \$18,000 a year. This amount is a very generous sum to provide State Department personnel as a supplement to their normal housing expenses. It is still more than the total annual income of many American taxpayers. As I say, it is a generous compromise figure.

I would like to emphasize that this amendment does not abolish the program. It places some very reasonable expense limitations on the program.

The chairman of the committee has indicated that he will be able to accept this amendment, which I believe would gain overwhelming bipartisan support from the Senate should a vote be requested.

This one amendment will save the Department of State approximately \$1,000,000 in the next fiscal year. The \$1 million saved, Mr. President, will enable the Department of State to save at least 20 Foreign Service or civil service positions from the proposed personnel reductions made necessary by the fiscal austerity program which has been announced.

Mr. President, I suggest we vote on the pending amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 850) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 852

(Purpose: To reinstate Congressional oversight of the expenditures made from the fund known as "Emergencies in the Diplomatic and Consular Services")

Mr. HELMS. Mr. President, I send another amendment to the desk and ask it be stated. Again, Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 852:

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Section 101 of the bill, add the following new subsection:

(b) The Secretary of State shall provide to the Committee on Foreign Relations and

the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 30 days of the end of each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for Emergencies in the Diplomatic and Consular Service.

Mr. HELMS. Mr. President, this amendment requires the Secretary of State to report to the Department of State's authorizing and appropriating committees once every 90 days on the expenditures he has made from the appropriation known as emergencies in the Diplomatic and Consular Services.

This account was used recently to provide funds for the completion of the multimillion-dollar transformation of the office suite of the Secretary of State into an office suite fit for a king. The State Department was telling the Congress and the American public that the expenses of remodeling this suite were paid entirely out of private contributions, while the truth was that they had declared this project to be an emergency in the Diplomatic and Consular Services and, what's worse, had decided to try to hide that fact by placing a national security classification of confidential or secret on the expenditures.

A few years ago, this would have never been allowed to happen. While the expenditures from this account were allowed to be considered national security or foreign policy information of a classified nature, it was a regular practice of the Department to provide to its authorizing and appropriating committees information on the specific expenditures made from the account. For some reason, State has dropped the practice of keeping its oversight committees fully informed on all expenditures from this account.

My amendment creates a legal requirement for information to the Congress on this account as a means of restoring the previous understandings between the congressional committees and the Department of State. I believe this amendment should be acceptable to the chairman of the Committee on Foreign Relations and to other interested Senators.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 852) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the bill now be set aside, that there be morning business for not to exceed 1 hour, that Senators may speak therein for up to

10 minutes each, and may I say that I will be happy to work with the distinguished managers of the bill with respect to stacking votes for Tuesday morning. We can talk about that, if the Senator is going to be around.

Mr. HELMS. Mr. President, I reserve the right to object, and I will not object. I wonder if the majority leader will accommodate me to provide some information that I promised earlier about a previously classified matter that I now have received and has been declassified. It will take about 90 seconds.

Mr. BYRD. Mr. President, I ask unanimous consent that after the distinguished ranking manager, and the manager, if either wishes to speak on this matter that is before the Senate, have completed their statement that the Senate go into morning business to accommodate the other Senators who have to make speeches and catch airplanes. I would not be so pushy on this were it not for the fact that I promised all Senators there would not be any rollcall votes after 3:30 or 4 today because of the Yom Kippur religious holiday which is tomorrow, of course.

I ask unanimous consent.

The PRESIDING OFFICER. Without objection, the majority leader's request will be ordered.

U.S.S.R. USES HAWAII FOR TARGET PRACTICE

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as I mentioned earlier I consulted with the President this morning and with Frank Carlucci, the President's National Security Adviser, about an incident that occurred yesterday, in which the Soviet Union was using Hawaii for target practice. And I made the point as best I could at the White House that the Soviets knew what they were doing and did do, and our intelligence people knew what happened. So about the only people left in the dark were Members of Congress who had not read the intelligence report, and the American people. I suggested that this information be declassified. And I was advised about 45 minutes ago it was on its way, and it is now here.

What happened, Mr. President, is as follows: Declassified statement from the administration requested by Senator JESSE HELMS:

A Navy P3 Reconnaissance Aircraft engaged in observing Soviet open-ocean ICBM re-entry vehicle splashdowns near the Hawaiian Island chain on 30 September/1 October 1987 reported being illuminated by an intense light from the Soviet AGE ship CHUKOTKA. The aircraft in the vicinity, a US Airforce WC-135, reported seeing a bright light near the CHUKOTKA which disturbed the co-pilot's vision for ten minutes. Although preliminary medical evalua-

tion has shown no apparent damage, further detailed tests may be required to determine if, in fact, no damage to her eyes occurred.

These incidents are being actively investigated, but based on the information available, and the fact that the Soviets have, in the past, used laser weapons to irradiate Western patrol aircraft, we believe these emissions were from a laser.

I might add that the injured pilot was a fine woman pilot.

Mr. President, Soviet Military Power 1987 states on page 112:

Recent Soviet irradiation of free world manned surveillance aircraft and ships could have caused serious eye damage to observers.

On page 113, the same volume states:

The electro-optic sensor/laser device . . . on the Sovremennyy-class destroyer has been used by the Soviets to irradiate Western patrol aircraft. Such laser irradiation, depending on the distance, could permanently blind.

Mr. President, I believe that the Soviet laser weapon incidents, both of them, represent direct and deliberate interference with verification, which is a violation of the discarded and unratified SALT II Treaty and the extant ABM Treaty. Such deliberate interference with verification represents a fifth direct violation of the SALT II Treaty in the tests of ICBM's at the Hawaiian target range. But much more importantly, these actions are belligerent acts under international law.

Let me read a statement by the President which has just been received by me from the White House.

Earlier today, the U.S. Senate passed the Defense Authorization Bill for Fiscal Years 1988-1989. Included in this bill are specific provisions which undercut my efforts to negotiate equitable and verifiable arms reductions, and undermine U.S. national security. The first legislates unilateral U.S. adherence to the "narrow" interpretation of the ABM treaty, despite the fact that a broader one is fully justified. A broader interpretation would enable us to save time and money in developing effective defenses against a potential Soviet missile attack. The second provision would force the U.S. to comply with certain provisions of the unratified and expired SALT II agreement, which was negotiated by the last Administration.

Any bill that includes these provisions will be vetoed. These amendments would undermine our negotiators in Geneva at a particularly crucial time. I regret the action of the Senate, and I commend all Senators who had the courage to vote against passage of the bill on these grounds.

This vote by the Senate is particularly ironic in view of the actions taken in recent days by the Soviet Union close to U.S. territory. We have protested these Soviet actions as both unacceptable to this country and inconsistent with General Secretary Gorbachev's claim to seek a long-term improvement in our relationship.

Mr. President, in my view what the Senate has done is more than ironic, and although the President did not

use these words, I believe he would agree with the Senator from North Carolina that these belligerent acts by the U.S.S.R. are both outrageous and dangerous and that the actions of the Senate in the face of these actions amount to unilateral disarmament and appeasement under foreign military pressure.

Mr. President, thank you.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would merely urge my colleagues to come to the floor with their amendments promptly next Tuesday. I regret that there are no more amendments being offered at this time and hope we will have better luck next Tuesday, and hopefully wind up the bill.

Mr. CHILES addressed the Chair.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for morning business for not to exceed 1 hour.

The Senators, under the agreement, are permitted to speak for no more than 10 minutes each.

The Senator from Florida.

THE BUDGET COMPROMISE

Mr. CHILES. Mr. President, thank you for the recognition. I see my good friend from New Mexico, Senator DOMENICI, ranking member of the Budget Committee, and former chairman, is on the floor. We happened to fortuitously arrive here together to talk a little bit about where we are now in regard to the budget compromise or perhaps we may talk a little bit about the need for a budget compromise.

We now see that after a long, arduous debate, conference, and searching appraisal by the White House, the extension of the debt ceiling has been signed into law, and with that the Gramm-Rudman-Hollings amendments which have now provided for an automatic sequester, and with changing glidepaths.

That having been done we now have certain processes that are working, and I think it is sort of timely that we get an opportunity to advise the Senate and others that might be listening from here what part of this means, and discuss the need for trying to do something about a budget compromise.

I think that comes for several reasons. I think there is certainly a real economic need. That need would be to provide real and permanent reduction of deficits. We see that there has been a recent increase in interest rates, and we see a continued burden of foreign borrowing occurring and, of course, the trade deficit is not getting better as we hoped and expected, but it looks

like this has sort of become fixed and very flat.

We know that this best could be done with some kind of a compromise as opposed to conflict. For the life of me it seems that if we can negotiate with the Soviet Union, our avowed enemies, to reduce nuclear weapons, we ought to be able to negotiate among ourselves to sort of reduce the deficit and stop the borrowing.

I think the American people call on all of us and say that we cannot afford a failure of leadership. Why? Because the alternative, if we cannot reach a compromise, is that there will be a sequester.

We have looked at some new figures on our side of the Budget Committee, from staff runs. While these may not be accurate to the dollar, I think they are generally in the ballpark. They show us that a sequester is going to provide massive cuts both to the defense and to the domestic programs.

I have listened to a few Senators who seem to say: "Well, we have made the compromise, we are on the track, and we are going to have a sequester, and that is something that will be a little tough, but it will probably happen."

I do not think anybody has really paid that much attention to the cuts. It now appears that from the baseline, the defense cuts will be about 3.6 percent if military personnel is not exempted. However, if you do not exempt military personnel you probably will have to be cutting approximately 400,000 troops. If you do exempt—and I think the compromise allowed the President the right to exempt military personnel—then you are going to be cutting about 10.4 percent from the baseline.

Mr. President, that is a major cut. It will be very drastic and very severe, and I think it is something we should not allow to happen. I believe it certainly could impinge upon and endanger the defense of the country. It would cut defense below the high tier of the budget resolution by about \$15.5 billion in BA and \$10.5 billion in outlays. It would cut the budget authority some \$4 billion below last year's appropriation. Key cuts in that would be in operations and maintenance. It appears that we would be looking at about \$11.2 billion in BA and \$8 billion in outlays. These are numbers that are below the President's request.

Procurement would be cut \$4.2 billion in BA and \$1 billion in outlays. Research and development could be cut \$10.1 billion in BA and \$5.1 billion in outlays.

This is not the only pain. In case you are one of those people—and I hope there are not many here—who think that defense can stand those kinds of cuts, Senators should look at the domestic side as well. Education would

be cut about \$1.8 billion; veterans, at least \$500 million; health programs would be cut \$1.1 billion. These are all in BA below the baseline. Environment would be cut \$1.5 billion; agriculture, \$1 billion; highway and transit, \$1.5 billion; law enforcement programs, \$800 million.

I do not think there is any Senator who wants to cut any of these programs. I do not believe it is something that has to happen. I think we can wait until we reach the precipice and we have sort of the dropoff and then scurry around and see if there is some way of having a fix, or we can begin to see now if there is a way to get reasonable minds together and find a way to make the \$23 billion in savings so that we can keep this from happening.

I happen to believe that in this trillion dollar budget, it ought to be possible for us to bring together a mix of some savings and some revenue in order to achieve \$23 billion and do it in a rational way.

I know that my good friend from New Mexico has thoughts on this and believes the same thing, and I will yield to him.

First, Mr. President, I ask unanimous consent to have printed in the RECORD an analysis by the staff of the Budget Committee of the impact of a \$23 billion sequester on defense and domestic programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Sequester Impact]

THE ESTIMATED EFFECT OF A 1988 SEQUESTER UNDER THE AMENDED GRAMM-RUDMAN-HOLLINGS LAW

(October 2, 1987)

SEQUESTER IMPACT

Overview

The purpose of this report is to analyze the impact of a full \$23 billion sequester in 1988 on federal programs. Both defense and domestic programs would be significantly affected since half of the outlay reductions required would come from each side. Defense budget authority would be cut by \$22-\$29 billion while domestic budget authority would be cut by about \$16 billion, mostly from discretionary programs.

Under a full sequester, both defense and domestic programs would end up with significantly less funding than approved in the 1988 budget resolution. Defense BA would be \$11-\$16 billion below the high tier defense level of \$296 billion and \$4-\$9 billion below the low tier level of \$289 billion. Defense outlays would be about \$10 billion below the high tier level and \$4 billion below the low tier level. Domestic outlays would be reduced at least \$8 billion below the budget resolution with all cuts coming from about one-third of the domestic budget.

To avoid the harsh impact of a sequester, savings of \$23 billion will have to be achieved through reconciliation legislation and appropriations bills approved by Congress and signed by the President. Deficit savings in any other legislation enacted or regulations promulgated since January 1,

1987 will also be credited towards meeting the \$23 billion requirement. Asset sales and other non-recurring savings cannot be counted as deficit savings.

The actual amount of the sequester will be calculated by Office of Management and Budget (OMB). OMB's initial sequester report on October 20 and final report on November 20 will: 1) estimate the amount of unachieved deficit reduction to date; and, 2) calculate the amount and percentage of budgetary resources and outlays to be cut from each non-exempted account in order to eliminate the amount of unachieved deficit reduction. (The Congressional Budget Office will issue its own advisory sequester reports on October 15 and November 15. OMB is required to explain any differences with CBO in their respective reports.)

Impact on Defense Programs

Under a \$23 billion sequester, \$11.5 billion in outlays and as much as \$28.6 billion in BA would have to be cut from defense accounts. The uniform across-the-board cut in all defense programs, projects and activities (PPA) would be 6.3 percent. The GRH law, however, gives the President the discretion to exempt all or some of the military personnel accounts from sequestration. If military personnel is fully exempted, the uniform cut across remaining defense PPA's would be 10.4 percent under a full sequester. (The President is required to give notice to Congress by October 10 if he plans to exercise this option in FY 1988.)

The following table presents the range of possibilities for a maximum of \$11.5 billion defense outlay sequester. Option I assumes no exemption of military personnel accounts from sequestration. Option II assumes full exemption of military personnel accounts.

1988 DEFENSE SEQUESTER

[In billions of dollars]

	I. No exemption military personnel (6.3 percent cut)		II. Full exemption military personnel (10.4 percent cut)	
	Budget Authority	Outlays	Budget Authority	Outlays
GRH baseline total ¹	304.2	291.8	304.2	291.8
Sequester reduction	-19.1	-11.5	-23.7	-11.5
Postsequester total ¹	285.1	280.2	280.5	280.2
Prior year budget authority se- quester	-3.0		-4.9	
Total budget authority sequester (new budget authority and prior year budget authority)	-22.1		-28.6	

¹ The GRH baseline used to determine the postsequester floor may actually be about \$1 billion in outlays and \$2 billion in budget authority below these levels. Thus the postsequester level may actually be even lower than is shown in this table.

Several important observations about the defense sequester can be made with reference to this table:

(1) **BA Cuts Under Military Personnel Exemption:** Although the total outlay cut from defense is the same (\$11.5 billion) with or without a military personnel exemption, the total amount of budget authority cut would be larger if military personnel is exempted. This result occurs because slower spending nonpersonnel accounts would have to absorb more cuts.

(2) **Prior-Year Defense BA Sequestered:** The Gramm-Rudman-Hollings law requires that unobligated BA from prior year appropriations (about \$50 billion in FY 1988) be sequestered by the same percentage as new BA. The total defense BA cut would be \$22.1 billion including \$3 billion in prior-year BA if military personnel is not exempted or

\$28.6 billion including \$4.9 billion in prior-year BA if military personnel is fully exempted.

The impact of a full sequester on defense is most revealing when compared to the 1988 budget resolution. Defense BA and outlays would be substantially below both the high and low tier levels in the budget resolution, as shown in the following table. If the President decides to fully exempt military personnel, a full sequester would yield a BA level \$15.5 billion below the high tier and \$8.5 billion below the low tier. (The difference is even greater if \$4.9 billion in prior-year BA cuts are included). Outlays would be \$9.6 billion less than the high tier and \$3.7 billion below the low tier.

1988 POSTSEQUESTER DEFENSE LEVELS COMPARED TO BUDGET RESOLUTION

[In billions of dollars]

	Budget authority	Outlays
Budget Resolution:		
High Tier	296.0	289.8
Low Tier	289.0	283.9
Midpoint	292.5	286.9
Postsequester total (no exemption of military person- nel) ¹		
Compared to:		
High Tier	-10.9	-9.6
Low Tier	-3.9	-3.7
Midpoint	-7.4	-6.7
Postsequester total (full exemption of military person- nel) ¹	280.5	280.2
Compared to:		
High Tier	-15.5	-9.6
Low Tier	-8.5	-3.7
Midpoint	-12.0	-6.7

¹ The postsequester total may actually be about \$1 billion in outlays and \$2 billion in BA below these levels. Thus, the reductions below the budget resolution may be even greater than shown in this table.

The revised GRH law allows the President to propose modifications to the sequester order to reduce the outlay cuts (partially or entirely) in some programs so long as outlay cuts in other specified defense programs were increased by an equivalent amount. Congress should have to approve such a proposal (or its own version). The total outlay cut under a Presidential proposal could not be decreased, however, the total BA cut might change depending on the program mix of the proposed modifications.

Impact on domestic programs

Under a \$23 billion sequester, \$11.5 billion in outlays and \$16 billion in budget authority would be cut from domestic programs. Domestic outlays would be at least \$8 billion less than in the 1988 budget resolution. Discretionary program outlays would be cut by \$9.9 billion requiring a uniform 8.5 percent reduction. Mandatory spending programs with special rules—such as Medicare and guaranteed student loans—would absorb \$1.6 billion of the outlay cuts. Exempt programs, as specified in the Gramm-Rudman-Hollings law, and outlays resulting from existing obligations and contracts, are not affected by the sequester.

1988 domestic sequester

[In billions of dollars]

Total required outlay reduction	11.5
Outlay savings under special rules	-1.6
Outlay savings remaining	9.9
Sequester outlay base	116.5
Uniform sequester percentage	8.5
New domestic discretionary outlay level ¹	176.2

Budget resolution outlay level 184.4

Difference -8.2

¹ The new domestic discretionary outlay level could be \$2 billion lower or about \$10 billion below the budget resolution level.

The following tables and narrative describe the impact of a potential sequester in more detail on both defense and domestic programs.

IMPACT OF THE SEQUESTER CUTS BY FUNCTION

[Outlays in billions of dollars]

	GRH Base ¹	Sequester	Postse- quester totals
050: National defense	291.8	-11.5	280.2
150: International affairs	16.7	-0.9	15.8
250: General science, space, and technol- ogy	11.2	-0.6	10.6
270: Energy	4.1	-0.3	3.8
300: Natural resources	15.2	-1.0	14.2
350: Agriculture	27.5	-1.1	26.5
370: Commerce and housing credit	6.1	-0.3	5.8
400: Transportation	28.2	-0.8	27.4
450: Community and regional development	6.7	-0.2	6.6
500: Education, training, employment, and social services	33.7	-0.9	32.8
550: Health	44.4	-0.6	43.8
570: Medicare	83.0	-1.5	81.5
600: Income security	132.9	-0.7	132.2
650: Social Security	220.6	-0.2	220.4
700: Veterans benefits and services	27.4	-0.3	27.0
750: Administration of justice	9.3	-0.7	8.6
800: General Government	7.2	-0.6	6.6
850: General purpose fiscal assistance	1.9	-0.1	1.8
900: Net interest	150.2	-0.9	149.2
920: Allowances			
950: Undistributed	-38.5		-38.5
Offsetting receipts	-38.5		-38.5
Total	1,079.5	-23.2	1,056.3

¹ CBO estimate.

Note.—Details may not add to totals due to rounding.

FUNCTION 050: NATIONAL DEFENSE

[In millions of dollars]

	1988	
	Budget authority	Outlays
GRH baseline total	304,206	291,778
Sequester reduction (with exemption for military person- nel)	23,759	11,500
Postsequester total	280,547	280,278

SEQUESTER IMPACT

Imposition of a sequester would have a severe and far reaching effect on the Department of Defense. If military personnel are exempted from the impact of a sequester, the President's budget would be reduced over \$31 billion in budget authority and more than \$18 billion in outlays. Furthermore, a sequester would be a significant reduction from the so-called "low-tier" defense level of over \$9 billion in budget authority and nearly \$4 billion in outlays.

If military personnel are not exempted from a sequester, it is estimated that nearly 400,000 military personnel would be reduced from our armed forces. If they are exempted, other accounts would absorb a proportionately larger burden. The two accounts which would be most affected by a sequester would be Research and Development and Operations and Maintenance (the readiness accounts).

The FY 1988 President's budget increased these accounts substantially over the FY 1987 levels. Furthermore, in an outlay determined reduction like a Gramm-Rudman sequester, these faster spending accounts are more significantly affected.

NO SEQUESTER EXEMPTION FOR MILITARY PERSONNEL

		President's request	Post-sequester	Sequester versus President's request
Military personnel	BA	76.3	69.9	-6.4
	O	75.5	69.6	-5.9
Operations and maintenance	BA	86.1	78.3	-7.8
	O	82.7	77.3	-5.4
Procurement	BA	84.1	83.6	-0.5
	O	82.7	82.4	-0.3
Research and development	BA	43.7	35.1	-8.6
	O	38.3	33.4	-4.9
Other	BA	21.6	18.2	-3.4
	O	19.0	17.5	-1.5
Total	BA	311.8	285.1	-26.7
	O	298.2	280.2	-18.0

MILITARY PERSONNEL EXEMPT FROM SEQUESTER

		President's request	Post-sequester	Sequester versus President's request
Military personnel	BA	76.3	74.6	-1.7
	O	75.5	74.1	-1.4
Operations and maintenance	BA	86.1	74.9	-11.2
	O	82.7	74.7	-8.0
Procurement	BA	84.1	79.9	-4.2
	O	82.7	81.7	-1.0
Research and development	BA	43.7	33.6	-10.1
	O	38.3	32.5	-5.8
Other	BA	21.6	17.5	-4.1
	O	19.0	17.2	-1.8
Total	BA	311.8	280.5	-31.3
	O	298.2	280.2	-18.0

In the absence of DoD appropriations bill in FY 1988, it is difficult to make precise programmatic estimates on the impact of a sequester. However, it is clear deep reductions will be made in the President's request for Research and Development. A sequester which exempted military personnel would require a \$10 billion or 25 percent reduction in the President's request. The following is a list of major programs currently in research. Based on current level appropriations the listed reductions would be required.

ILLUSTRATIVE IMPACT OF SEQUESTER ON SPECIFIC R&D PROGRAMS

(In millions of dollars)

R&D program	President's request	Postsequester level (W/ MilPer exemption)	Sequester versus President's request
V-22 aircraft	465.7	393.8	-71.9
Strategic Defense Initiative	5,220.7	2,957.2	-2,263.5
C-17 transport	1,219.9	584.7	-635.2
ICBM modernization	2,875.7	1,444.7	-1,431.0
Advance tactical fighter	536.8	232.3	-304.5
B-1B bomber	415.5	105.3	-310.2
Space defense system	402.4	184.8	-217.6
Defense Nuclear Agency	363.0	298.8	-64.2
Submarine combat system	342.5	266.0	-76.5
Natl aerospace plane	236.0	144.7	-91.3

PROGRAMMATIC IMPACT ON READINESS ACCOUNTS

It is more difficult to estimate the impact of an \$11 billion budget authority reduction on the readiness accounts. However, it is clear that a reduction of this magnitude, nearly 12 percent from the President's request, would result in the layoffs of civilian personnel, reduced equipment maintenance, as well as reduction in operating tempo. This would represent the largest reduction in readiness funding in the post Vietnam period.

FUNCTION 150: INTERNATIONAL AFFAIRS

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total	18,000	16,700
Sequester reduction	-1,600	-900
Postsequester total	16,400	15,800

SEQUESTER IMPACT

A sequester would preclude Congress from protecting funds for the Camp David Accord countries. Assistance to Israel would be cut \$272 million. Assistance to Egypt would be cut by \$190 million.

FUNCTION 250: SCIENCE, SPACE, AND TECHNOLOGY

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total	13,400	11,200
Sequester reduction	-1,100	-600
Postsequester total	12,200	10,600

SEQUESTER IMPACT

Budget outlays for the science and space programs would be reduced by \$500 million below levels assumed in the Budget Resolution.

These outlays reductions would force slowdowns in NASA's shuttle recovery program and the new manned space station program. The space station, for which NASA requested \$767 million in 1988, would instead be cut to \$400 million.

Increases proposed in this year's Budget Resolution for the general science and basic research programs of the National Science Foundation would be foregone. Instead, these programs would be cut by \$148 million in budget authority.

FUNCTION 270: ENERGY

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total	3,900	4,100
Sequester reduction	-500	-300
Postsequester total	3,400	3,800

SEQUESTER IMPACT

A full sequester in Function 270 would result in a cut of \$500 million in budget authority and \$300 million in outlays.

Strategic Petroleum Reserve: A sequester would have no effect on the fill rate for the Strategic Petroleum Reserve (SPR) since 1987 oil acquisition activities were funded through unobligated balances from previous years. A sequester would have a minor impact on the SPR construction budget.

Energy Supply Research and Development Activities: A sequester would reduce funding for research and development activities in new energy technologies by \$122 million.

Rural Electrification Administration: Because of timing considerations, a sequester would have no first year impact on loan guarantees. A sequester on direct loans

would reduce loan budget authority by \$78 million in the first year.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total	16,300	15,200
Sequester reduction	-1,500	-1,000
Post-sequester total	14,800	14,200

SEQUESTER IMPACT

A full sequester in function 300 would result in cuts of \$1.5 billion in budget authority and \$1 billion in outlays. Since a large proportion of the accounts in this function are construction-related—the sequester would have a relatively small near term impact although it would lead to construction delays in the outyears.

Corp of Engineers Construction: A sequester would result in a budget authority cut of \$102 million.

Soil Conservation Operations: A sequester would mean a budget authority cut of \$33 million.

Land Acquisition: A sequester would lead to a budget authority cut of \$17 million in National Park Service, Fish and Wildlife Service, Forest Service and Bureau of Land Management land acquisition programs.

Superfund: A sequester would result in a budget authority cut of \$128 million despite growing demands due to the recently reauthorized Superfund legislation.

Sewage Treatment Grants: A sequester would lead to a budget authority cut of \$163 million.

FUNCTION 350: AGRICULTURE

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total	28,200	27,500
Sequester reduction	-1,000	-1,100
Postsequester total	27,200	26,400

SEQUESTER IMPACT

A full sequester in function 350 would result in cuts of \$1 billion in budget authority and \$1.1 billion in outlays.

Commodity Credit Corporation: A sequester would lead to reductions of \$789 million in 1988 and \$667 million in 1989. Cuts would be made in 1987 crop payments. The Secretary of Agriculture is constrained by law to allocate the reductions evenly across commodities. During the previous sequester, the Secretary simply reduced all government checks by the sequester percentage. PIK certificates were not affected.

Extension Service: A sequester would result in a cut of \$30 million. Since the Extension Service is heavily personnel intensive, the sequester could lead to some reductions in force or other personnel actions.

Agriculture Research Service: A sequester would result in a cut of \$45 million.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	9,600	6,100
Sequester reduction.....	-300	-300
Postsequester total.....	9,300	5,800

SEQUESTER IMPACT

This function covers commerce and housing credit programs, including elderly and rural housing, FDIC, FSLIC, small business, and other programs involving the advancement and promotion of commerce.

Section 202 housing, the only federal program producing specially designed housing for the elderly, would be reduced by over 1,000 units. This reduction would occur at a time when over one-fifth of the nation's households are elderly, a share projected to increase to one-third by 1995.

Rural housing programs would be reduced by over \$180 million. A sequester would be applied on a program level for rural housing which has been cut by over half since 1980.

FUNCTION 400: TRANSPORTATION

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	27,200	28,200
Sequester reduction.....	-2,200	-800
Postsequester total.....	25,000	27,400

SEQUESTER IMPACT

This function contains programs critical to developing and maintaining the nation's transportation infrastructure.

Aviation programs would be reduced by over \$400 million below current levels, not allowing for the almost \$2 billion in increased spending projected for 1988. Such a reduction could mean less air traffic controllers than are currently employed, continued delay on modernizing the air traffic control system, and fewer airport construction projects.

Coast Guard operations would be reduced by \$163 million. This reduction would severely restrict drug interdiction efforts and marine safety programs.

Federal-aid highway programs would be reduced by about \$1.2 billion. This takes spending on highways well below the recently enacted highway bill, and could mean significant delay in completing the Interstate highway system.

Mass transit programs would be reduced by close to \$300 million, a significant cut from the recently enacted authorizing bill. Reduced funding for mass transit could result in significant delay in the construction of new rail and the acquisition of bus systems as well as increased transit fares.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	7,900	6,700
Sequester reduction.....	-500	-200
Postsequester total.....	7,400	6,500

SEQUESTER IMPACT

This function includes important state and local infrastructure programs for water, sewer, housing, and community and economic development programs. Spending in this function has been reduced by close to a third since 1980, and virtually all programs have been cut in varying degrees.

The Community Development Block Grant (CDBG) program would be reduced by almost \$300 million. The CDBG is the cornerstone of federal assistance to localities for community and economic development, and is intended to principally benefit the poor.

The Urban Development Action Grant program would be reduced by \$20 million. A sequester would be from a program level that has already been reduced by two-thirds since 1980.

The Economic Development Administration (EDA) would also be cut by close to \$20 million. EDA grants and loans have been an important stimulus for local economies in many rural areas of the country.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	36,500	33,700
Sequester reduction.....	-2,700	-900
Postsequester total.....	33,800	32,800

SEQUESTER IMPACT

Funding for education programs would be reduced by \$1.8 billion.

Chapter 1, education programs for disadvantaged children, would be cut by \$358 million in budget authority, and by \$22 million in outlays. A federal reduction of funding for this program would allow cuts in States' contributions to improving educational attainment of at-risk students.

Student Financial Assistance to college students would be cut by \$497 million in budget authority, and by \$93 million in outlays. This cut would result in pro rata reductions in grants to over one million Pell Grant recipients.

The Community Service Block Grant which provides services to low-income people including children, welfare recipients, and older Americans, would be cut by \$36 million in budget authority, and by \$25 million in outlays.

State Immigration Assistance grants would be cut by \$84 million in budget authority, and by \$19 million in outlays. If enacted, such a reduction would severely hamper States' efforts to provide social services to legalized immigrants and control illegal immigration into this country.

Employment and Training services would be cut by \$336 million in budget authority,

and by \$8.7 million in outlays. A reduction of this magnitude would curtail efforts to train new entrants into the labor pool and alter programs offering retraining for adults.

FUNCTION 550: HEALTH

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	44,600	44,400
Sequester reduction.....	-1,100	-600
Postsequester total.....	43,500	43,800

SEQUESTER IMPACT

Biomedical research: Funding for the National Institutes of Health would be cut by \$561 million in budget authority and \$261 million in outlays. Biomedical research would be 4.9 percent below the 1987 level; and 14 percent below the level in the Senate-reported 1988 appropriations bill.

AIDS: Cut \$43.4 million in budget authority and \$23.8 million in outlays; 5 percent below 1987 funding level and 52 percent below Senate-reported 1988 level.

Medicaid: Exempt from sequester. Maternal and Child Health: Cut \$45 million in budget authority and \$25.2 million in outlays. New initiatives for pregnant women and infants would be delayed with a funding level 15 percent below the Senate-reported 1988 levels.

Community Health: Protected by the special rule limiting cuts to two percent. Cut \$8.7 million in budget authority, reducing the availability of health care for the low income population. New initiatives to provide access to primary health care for the homeless, not protected by a special rule, would be cut by \$7 million in budget authority.

Drug Abuse: Recently-enacted state grants for drug abuse prevention would be cut by \$14.8 million in budget authority and \$11.8 million in outlays.

Other health grants to States: Preventive health services reduced by 5 percent from current levels; cut \$8.3 million in budget authority. Alcohol, drug abuse, and mental health services cut by \$46.1 million in budget authority, 5 percent below current levels.

FUNCTION 570: MEDICARE

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	92,800	83,000
Sequester reduction.....	-1,500	-1,500
Postsequester total.....	92,800	81,500

SEQUESTER IMPACT

All payments to Medicare providers would be reduced from current levels by 2.3 percent if a full sequester went into effect on November 20. A special rule limits Medicare benefit payments reductions to 2 percent, applied on a full fiscal year basis.

Funding for Medicare administrative operations, including contractors who process claims and perform payment safeguards such as utilization review, would be subject to a full sequester of 8.5 percent (\$207 mil-

lion). Contractor funding would be 15 percent below anticipated necessary 1988 funding levels, resulting in payments delays to providers and beneficiaries on top of the 2.3 percent cut in payment levels.

FUNCTION 600: INCOME SECURITY

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	169,400	132,900
Sequester reduction.....	-1,400	-700
Postsequester total.....	168,000	132,200

A sequester would cut programs in this function by \$700 million in outlays. Although, this may appear to be less consequential, it would actually hit non-exempt programs very hard since many retirement disability and programs for low-income households in this function are exempt from sequester.

A sequester would cut the child support enforcement program by \$85 million.

Public housing operating subsidies would be reduced by over \$120 million. With up to \$25 billion projected to be required over the next five to ten years to modernize dilapidated public housing, this cut would severely curtail preventative maintenance efforts in existing projects.

Assisted housing programs would be cut by close to \$650 million. With the severe shortage in low income housing, this would mean a reduction of almost 9,000 units assisted each year.

COLAs for federal civilian and military and railroad retirees are exempt from sequester.

Many low-income programs, including AFDC, Food Stamps, WIC, SSI, Child Nutrition and Earned Income Tax Credit are exempt from sequester.

FUNCTION 650: SOCIAL SECURITY

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	258,400	220,600
Sequester reduction.....	0	-200
Postsequester total.....	258,400	220,400

All Social Security benefit payments and cost-of-living adjustments are exempt.

A sequester would cut administrative costs for the Social Security Program by about \$200 million. This could result in a loss of 5,000 staff or cuts in other administrative expenses or some combination of these. Service to the public would undoubtedly be reduced.

FUNCTION 700: VETERANS

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	27,800	27,400
Sequester reduction.....	-500	-300
Postsequester total.....	27,400	27,000

SEQUESTER IMPACT

Compensation and Pensions: Direct payments to disabled and low-income veterans are exempt from sequester.

Veterans Medical Care: Though protected by a special rule limiting sequester reductions to 2 percent, Veterans medical care would be cut by \$196.4 million in budget authority and \$189.3 million in outlays. Such a cut could mean no staff for newly opened medical facilities and a reduction in medical staff for currently-operating hospitals and nursing homes.

Housing Loan Guarantees: Loan limitation authority cut by \$3.2 billion.

Additional reductions would come from 8.5 percent cuts in medical research conducted by the Veterans Administration (\$19.3 million); medical facility construction and modernization (\$42 million, 15.7 percent below Administration requested levels for 1988), VA administrative operations (\$73.6 million), veterans education and training programs (\$64.7 million), veterans burial benefits (\$10 million), and other small programs.

FUNCTION 750: ADMINISTRATION OF JUSTICE

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	9,400	9,300
Sequester reduction.....	-800	-700
Postsequester total.....	8,700	8,600

SEQUESTER IMPACT

A full sequester in Function 750 would result in cuts of \$800 million in budget authority and \$700 million in outlays. Since many of the accounts in this function are labor intensive, the most significant effect of the sequester would be to reduce the number of employees in various law enforcement and Justice agencies.

FBI: A sequester would mean a cut of \$114 million in the salaries and expenses account of the FBI, and could significantly hamper domestic law enforcement activities.

Drug Enforcement Administration: A sequester would mean a cut of \$43 million for the Drug Enforcement Administration at a time when the recently enacted Drug Bill calls for more spending in this area.

Immigration and Naturalization Service: A sequester would reduce salaries and expenses of the INS by \$54 million at a time when the recently enacted Immigration Reform bill is placing new demands on the Service.

Legal Services Corporation: A sequester would mean a cut of \$28 million for the Legal Services Corporation.

FUNCTION 800: GENERAL GOVERNMENT

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	7,600	7,200
Sequester reduction.....	-700	-600
Postsequester total.....	6,900	6,600

SEQUESTER IMPACT

A full sequester in this function will mean a cut of \$700 million in budget authority and \$600 million in outlays. Because the

function is largely comprised of salary and expense accounts, the effect of sequester will most likely be to reduce staffing at a variety of legislative branch and executive offices including the various Congressional committees and the Office of Management and Budget.

Internal Revenue Service: A sequester would cut \$256 million from processing tax returns, investigations, collections and taxpayer services. While no specific impact from this cut can be quantitatively determined, experts agree that it could have a significant impact on revenues to the extent that collections decrease.

Congressional Budget Office: A sequester would cut \$1.6 million, nearly 10 percent of the total, from the CBO account.

General Accounting Office: A sequester would cut \$28 million from GAO funds for salaries and expenses.

Office of Management and Budget: A sequester would cut \$3.4 million from the OMB salaries and expenses account.

FUNCTION 850: GENERAL PURPOSE FISCAL ASSISTANCE

(In millions of dollars)

	1988	
	Budget authority	Outlays
GRH baseline total.....	1,900	1,900
Sequester reduction.....	-100	-100
Postsequester total.....	1,800	1,800

SEQUESTER IMPACT

A full sequester in this function will mean cuts of \$100 million in budget authority and \$100 million in outlays.

Payments in Lieu of Taxes: A sequester will mean a cut of impact of this cut will be felt by states with large portions of federal land within their borders.

Payment to the District of Columbia: A sequester will mean a cut of \$40 million in monies the District receives from the Federal government.

Mr. DOMENICI. Mr. President, I understand that the unanimous-consent agreement allowed 10 minutes per Senator, and I certainly do not want to cut my friend from Florida short. Will he reserve the remainder of his time?

Mr. CHILES. I yield.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is it understood in the consent that Senator CHILES has the remainder of his 10 minutes?

The PRESIDING OFFICER. Without objection, the Senator from Florida will retain the remainder of his time.

The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I agreed to come to the floor today to have a brief discussion with the distinguished chairman about where we stand with reference to the fiscal situation and the so-called Gramm-Rudman-Hollings fix.

It is now 2 days into the fiscal year, and I think we need to understand, or at least try to understand, where we are and where we are not.

When we passed the Gramm-Rudman-Hollings fix, requiring a \$23 billion reduction from this new baseline, which inflated everything 4.2 percent, I said on the floor of the Senate that the really important day was October 20. I went on to say that on October 20, to paraphrase the distinguished Representative from Massachusetts, Representative CONTE, on October 21, people will be hiding behind bushes to avoid the wrath that will be upon this Congress when that day comes. So perhaps it serves a purpose, to give the Senate my impression of what will happen on October 20.

It seems to me that by that date, there is little chance that any free-standing, full-year appropriation bill will have become law. There is little chance of enacting a full-year composite continuing resolution, in place of the one we have passed, which is a 45-day continuing resolution going into November. In sum, there is little chance that we will have made any final decisions about appropriations matters, either on the domestic side or on the defense side.

Obviously, it is equally certain that by October 20 there will be no reconciliation bill—that is, the normal package for making the nonappropriated accounts of Government, including taxes—comply with the budget resolution. It is pretty obvious that reconciliation is not going to occur and become law by that time.

So, essentially, on that date the Office of Management and Budget will put into effect what I might call a temporary sequester.

My good friend, Senator CHILES, has stated the effects of that. It is a sequester, but it is not final until November 20. At that time, so that everyone will know, all the accounts of Government that are subject to this across-the-board cut will have a percentage of funds withheld in an order that will wait until November 20 to be effective.

While I may not agree with the exact numbers, prepared by the Congressional Budget Office, that the distinguished chairman has indicated, make no bones about it, everything from education to law enforcement, to the money that is needed to keep the airways safe, and to the defense of our country, will take its share of this \$23 billion outlay reduction, split half to defense and half to the remaining accounts. Then, we will have 1 month to pass laws that will reduce the deficit \$23 billion or some portion thereof so as to avoid those arbitrary cuts.

Anyone who thinks that the day those arbitrary cuts are made is a great day for America—anyone who thinks that we ought to wish that on the people of this country and on the defense of our country, in my humble opinion is absolutely disregarding the

well-being of the people of this country and our responsibility.

Having said that, it is fair to say that from this day forward somebody, someplace, has to find some way to offer a solution to that. I do not have a solution, but let me suggest that passing one appropriation bill at a time that meets the budget targets or is higher than the budget targets is certainly not going to do the job.

First of all, I doubt whether the President would sign any of them, and I think he is right. On the other hand, he does not want one big continuing resolution containing all 13 bills. But, on the other hand, Mr. President, until we know how much we are going to appropriate, both on the defense side and the domestic side, we do not know how much we will reduce the \$23 billion sequester or how much we are going to increase the amount that is required to cut in order to be in compliance with the revised Gramm-Rudman-Hollings targets.

So are we in somewhat of a jam because if you get one of these appropriation bills passed into law at a high level, it is going to get cut but it is going to get cut from that high level instead of taking its fair share of the medicine that is going to be provided under the automatic cut on November 20 that we all have a visual authentic picture of.

Mr. President, it is pretty obvious that the majority that proposed the Gramm-Rudman-Hollings fix were sincere in saying we are going to find \$23 billion in reductions from this deficit so we do not have the sequester.

I have no doubt that they are sincere, but I would like to make four points.

NO GAME PLAN IN PLACE

One, there is no game plan; there is no bill around that contains \$23 billion in reductions.

The reconciliation instructions that are out there, if not moot, are at least valueless because the Finance and Ways and Means Committees, if they are going to approve some new taxes, and I assume they are, do not even know how much they should put on.

Let us assume the tax committees decide on \$10 billion. Where does the other \$13 billion come from?

Who is going to vote for a tax bill for \$10 billion, \$12 billion, or \$15 billion if they have no idea that it is going to fix this deficit? Then you will have voted for the taxes and you will still get a sequester.

Why would those committees, without some overall master plan of how we are going to get the rest of the savings, vote for taxes? Why would they vote to cut anything, one piece at a time, until they know what the plan is?

WHERE WE SEEM TO BE HEADING

Now, I want to give you three hypotheticals as my second point.

I regret to say that if we continue with the appropriations bills as we have, it is my best estimate that we will save zero on the domestic side. I am not here arguing that that is bad policy, or good policy, or that I could do better. I am merely telling you that there are no savings in the appropriated accounts.

Now, there may be \$1 billion when you are through with the accounting, but I rally do not think so. So domestic appropriations yield zero.

We started this \$23 billion exercise with defense, revenues, and a reconciliation bill that has \$3 billion in entitlements. Let us assume the \$3 billion, so there is \$3 billion. Now we have \$20 billion left to do.

Where are we going to get the \$20 billion in savings? Some people are saying \$10 billion to \$12 billion in taxes. If you want to do that, go ahead and add that up, take \$10 billion, plus the \$3 billion, that leaves \$10 billion of the \$23 billion to be found somewhere.

Now, Mr. President, if you are going to have some kind of compromise, that \$10 billion cannot all come out of defense. If you are going to take that much out of defense, it is not much worse to let the sequester occur, slightly but not much.

A FAIR PLAN IS NEEDED

It seems to me that sooner or later here, and I hope sooner, some way will be found to have enough leaders sit down between the House and the Senate, and if the White House is interested perhaps they should join. We ought to talk about what kind of package we put together.

Without that, it appears to me that we are heading for an October 20 crash. It will be a light one because every Senator can run home and say it is not in effect yet, until November 20.

I ask unanimous consent that I be given an additional 2 minutes.

The PRESIDING OFFICE. Without objection, it is so ordered.

Mr. DOMENICI. Senator CHILES has indicated what the impact of the sequester will be in defense.

While I may disagree with a few numbers, a post-sequester budget is unquestionably an unlivable defense in the interest of our national security. No question about it.

For those who are worried about domestic programs, and many of us are, you heard some of the numbers. You did not hear them all, but there will be cuts—substantial, automatic, across-the-board, and arbitrary, with no choices for preferential treatment. Yet, we will have 1 month before it is made final, although all of the branches of Government will have to be holding that money in abeyance pending its final sequester.

Now, Mr. President, I know that my friend, the chairman, and this Senator are here with the same goal. Let us at-

tempt to put something together that avoids the sequester.

I must say that I also believe that if we are interested in getting the President of the United States involved, we have to put something of value to him on the table, and I do not know how we do that. We are not doing that by sending domestic appropriation bills through one at a time, then, in some mysterious way saying we are going to save money someplace.

DEFENSE IS THE KEY TO COMPROMISE

The best way to keep the President in the White House and have nobody talk to anyone here in Congress is to fail to start indicating what level are we going to fund defense this year. I suggest that if it is the low tier in defense, and I am talking technical language here for fellow Senators—they know what that is—under the budget resolution, I would point out that the appropriators have borrowed from it, to the tune of \$500 million. So there is already \$500 million less for defense, but, Mr. President, if we are talking about low tier defense appropriations, you need \$12.5 billion in taxes together with what I have just described as the other savings.

If you are talking about high tier defense appropriations, you need \$17.5 billion in taxes to meet the \$23 billion mark.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Florida retains 2 minutes on his 10 minutes.

Mr. CHILES. Mr. President, I will yield 30 seconds.

Mr. DOMENICI. So I am suggesting that some way or another we have to start talking about the serious issue of where are we going with defense, how much do we intend to fund it for, are we going to find any other savings anywhere in the domestic side of this budget anywhere before we really will get the President interested in talking. I hope we can do that because I think we ought to avoid the sequester.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I think that the gist of the conversations both by myself and my distinguished colleague from New Mexico, who has perhaps pointed out a little more of the details of some of the problems, suggest that we should not wait until October 20. We should be trying to start these talks now.

I think that you have to have some leadership from the House and the Senate as well as from the administration in order to do this. It is always the chicken and egg.

How do you get something done if you do not know what the other side will take? Rather than wait for this thing now, it seems like we should be doing something. There are still people who do not understand that at least for now the sequester is the nu-

clear deterrent of the budget process and the whole idea is to have enough respect for its destructive force that we will do the responsible things to try to avoid it.

It kind of concerns me when I hear people say just forget about making those tough choices and let sequester do the job. It is like saying it is so much trouble to dig the hole, we will just use a stick of dynamite to blow the hole. Of course you get a hole that way. And if there is anybody left around, of course, they are in the hole.

So it seems the whole idea that we want behind the sequester is to make us all feel surrounded and then maybe we will get together and try to fight our way out of it. I think we are surrounded now. I think that is very clear. I hope some other people understand that.

The Senator from Florida is ready, and I hope with my colleague, to sort of go anywhere and talk to anybody and try to join any group that will try to begin to work on this process. I think it is so essential that we do not waste time between now and October 20 to start that process.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

NOMINATION OF ROBERT BORK TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. BINGAMAN. Mr. President, this morning I announced that I would vote against the confirmation of Judge Robert Bork for the position of Associate Justice of the U.S. Supreme Court. At this time, I wish to explain the reasons for my decision in a little more depth for my colleagues.

Mr. President, this Nation is at an economic crossroads. Over the next 5 or 10 years, the President of the United States, the House of Representatives, and this U.S. Senate will have to continue to confront the critical question of how we are to reverse the trends which signal major structural problems in our economy: my colleagues have just alluded to one of those, higher budget deficits, higher trade deficits, and a declining standard of living. Our highest priority over the next decade is to debate and decide upon strategies for making this Nation once again economically prosperous in a global, very competitive international marketplace and to ensure that all of our children, including our daughters, and our Hispanic, native American, black, and poor children, fully participate in that prosperity.

The economic challenge ahead of us will require an almost single-minded commitment, an unwavering will, and great perseverance. We will have to focus our time, energy, hard work, and other resources on building stronger

families, giving our children a quality education, helping women to become full and equal participants in our economy, retraining our displaced workers, and exploiting our research and new technologies to produce greater economic opportunity and a higher standard of living for all of our people. And we can only meet this challenge if all of our people—including our women, our racial minorities, and our poor—can confidently know that they will eventually enjoy their fair share of that economic prosperity. We simply cannot afford to risk an era of social strife and division that will either distract us from this central challenge or shatter this confidence.

And that is why I must oppose the nomination of Judge Bork. For if the Senate confirms his nomination, I believe that we will risk spending a substantial part of the next decade not debating these key questions, but rather debating legislation that attempts to restore previous Supreme Court precedents or to correct future Supreme Court decisions that do not follow the logic of existing Supreme Court precedents.

We will run the risk that in the areas of family privacy and equal protection of the laws for women and racial minorities, old wounds will be reported, and strife and division among large segments of our people will demand our time, energy, and concern. Instead of consolidating the national consensus we have achieved on the need for personal and family privacy and for equal protection for women and minorities, and building on that consensus to focus the Nation's collective will on the great economic task ahead, we may risk destroying that consensus. We may risk shattering a unified commitment to meeting our economic challenge. We may end up spending much of our precious time, energy, and concern fighting each other over issues which have already once been settled instead of competing as one nation in the international marketplace.

I have only come to these conclusions after the Judiciary Committee hearings ended on Wednesday of this week. I have followed those hearings closely, I have reviewed summaries and reports of committee testimony, and I have read transcripts of testimony given by Judge Bork himself. Although we cannot know with certainty what cases the Supreme Court will confront in the future and how Judge Bork will vote on any particular case, I have concluded that in confirming him, we run the substantial risk that we invite an era of internal dispute and disaffection. And I am not willing to run that risk.

Clearly, if Judge Bork still holds to his writings when he makes decisions on the Court, my concern is well-

grounded. His professional writings over the past 25 years—the very peak of his adult life—would seem to require him to vote to overrule or modify countless Supreme Court decisions about family privacy and equal protection of the law. But I do not hold him to those writings. Rather, I have reviewed the modifications and qualifications he has offered the Judiciary Committee, and I take his hearing testimony at its face value. But I still conclude that the risk we take in voting to confirm his nomination is unacceptable.

Judge Bork has repeatedly criticized cases which have defined a sphere of personal liberty protecting certain aspects of personal and family privacy. Those cases upheld the right of married couples to use contraceptives, the right of parents to make decisions about how to bring up their children, the right not to be sterilized against one's will, and others. As recently as March 31, 1982, Judge Bork said that in "not one" of the privacy cases "could the result have been reached by interpretation of the Constitution." In his words, these cases are "indefensible," "intellectually empty," and "unconstitutional," because Judge Bork could not find the right of privacy specified in any particular provisions of the Constitution.

Judge Bork essentially reaffirmed that view in his testimony before the Judiciary Committee. He said the right of personal and family privacy was "undefined" and "free floating." In testimony about the *Griswold* case, which recognized the right of married people to obtain and use contraceptives, he stated that he still could find no acceptable constitutional authority for the holding. He indicated that he was unsure whether the ninth amendment could be the source of such privacy rights even though, as recently as 1984, he had said with some conviction that judges may be required to "ignore the provision" and "treat it as non-existent," as though it were "nothing more than a water blot on the document." He apparently could not rely on Justice White's alternative view that the equal protection clause would compel the holding in *Griswold*. He could not subscribe to former Chief Justice Burger's view that even though "the rights of association and privacy, * * * as well as the right to travel, appear nowhere in the Constitution, * * * these important but unarticulated rights have nonetheless been found to share constitutional protection in common with explicit guarantees."

Finally, Judge Bork's testimony reveals no commitment to treat the personal and family privacy cases as established, settled law. In fact, when pressed to list those lines of cases which he had criticized but which he viewed as so established as to preclude

their being overturned, Judge Bork excluded the privacy cases.

During the hearings Judge Bork surprised many Senators when he attempted to reverse his long-established position on the application of the equal protection clause of the 14th amendment. Less than 3 months ago he had said that "the equal protection clause probably should have been kept to things like race and ethnicity," thus recently reaffirming his long-standing view that the Supreme Court "should refer the rights of women * * * to the political process." But at the hearings he said that now he was of the view that the equal protection clause applied to women as well as people of different races, provided that it only protected all of them against "unreasonable" legislative classifications.

This supposedly new "reasonable basis" test gives me no comfort. In fact, it alarms me more. It represents a significant step backward from both the strict and intermediate judicial scrutiny tests now applied by the Supreme Court to cases involving race discrimination and discrimination against women, respectively. As a lawyer, I know how easy it is to concoct a rational basis for any legislative act. For example, as recently as 1961 the Supreme Court held that a state's exemption of women from jury duty was a "reasonable classification" because women are "still * * * the center of the home and family life," "despite their enlightened emancipation." And we should remember that the *Plessy* Court relied explicitly on a reasonable basis standard to uphold racial segregation.

At the hearings Judge Bork insisted that his "reasonable basis" standard was somehow more strict than the "reasonable basis" test used by the Supreme Court in past cases. But he could not be specific about this, and I was not convinced. To me, Judge Bork's newly discovered "reasonable basis" test would provide less protection than the Supreme Court now offers women, Hispanics, native Americans, blacks, other minorities, and the poor.

Thus, it is possible that if Judge Bork is confirmed and his views prevail on the Court, the protections which we have long taken for granted regarding personal and family privacy and the aspirations of women, racial minorities, and the poor could be severely undercut. But what is the probability that any such effect, and the consequent public outcry and debate, may in fact occur? In my view, the probability is strong.

I have already noted that Judge Bork's testimony specifically excluded the personal and family privacy cases from those so well established as to preclude their being overturned. Judge Bork also testified that he would be an "originalist judge," and we should re-

member that only 9 months ago he said "an originalist judge would have no problem in overturning a nonoriginalist precedent, because that precedent, by the very basis of his judicial philosophy, has no legitimacy." He did say at the hearings that a Supreme Court decision should be overruled if it were "clearly" wrong and capable of generating "pernicious" consequences, but those vague terms mean different things to different people. At bottom, Judge Bork seems to me much more likely than most justices to vote to overturn precedent in the numerous cases which he has criticized.

Although I will vote "no" on the issue of Judge Bork's nomination, I will not cast any vote to sustain a filibuster or to otherwise delay or prevent us from resolving the issue. The filibuster is becoming a recurring syndrome in this body; its use is reaching epidemic proportions. It is now becoming the common recourse of any group of Senators who find themselves in a minority on any significant issue to launch a filibuster to frustrate the will of the majority. The result is that we in the Senate do not get to the critical issues which face us. We do not work the will of the people.

And now the prospect of a filibuster on the nomination of Judge Bork not only threatens the effective operation of the Senate, but also holds another branch of government hostage. The Supreme Court's fall term begins on Monday, and any filibuster will only delay the day when the full complement of nine justices can attend to its caseload.

Therefore, we owe the President what is due him under the Constitution: our advice on his nomination of Robert Bork. If the majority consents to the nomination, so be it. But if the majority will not confirm him, we need to ask the President to select another nominee for our prompt consideration. The challenge we face as a nation during the coming decade requires a degree of national consensus which we have seldom enjoyed in the past. I have confidence that the President can select a nominee whose judicial philosophy matches his own yet whose view of the Constitution will help to bind us together as a nation and not hinder our efforts to meet that challenge.

Thank you, Mr. President. I yield the floor.

LUPUS AWARENESS MONTH

Mr. SHELBY. Mr. President, October is Lupus Awareness Month. Lupus is a mysterious disease of unknown cause. Yet, it affects 500,000 Americans and strikes 16,000 new cases each year. It affects more Americans than does muscular dystrophy or leukemia. It is the most serious disease of young

women—90 percent of its victims are women, stricken primarily in their childbearing years. I have become aware of Lupus since my wife was diagnosed as having a Lupus-related disease some 12 years ago. I want to share this awareness today with the Senate and the American people.

Lupus is a chronic anti-immune disease—it strikes an individual's immune system, causing it to produce too many antibodies. These antibodies—which protect against infection in healthy people—attack the internal organs and normal tissue of Lupus patients.

There are two types of Lupus. The first type, discoid Lupus, affects only the skin. This is the mild form of the disease. The second type, systemic Lupus, or SLE, affects the internal organs and systems of the body. This type is more severe. Antibodies in this case attack the vital organs—such as the kidneys, brain, and heart. Patients suffer flareups that can be very serious, followed by periods of remission.

As I stated, the cause of Lupus is unknown, so there is no cure. Thirty years ago, patients with Lupus had little hope of living a few years. There has been much progress in the study of Lupus, fortunately. Thanks to biomedical research. Earlier diagnoses and more effective treatments are possible for patients with Lupus. Consequently Lupus victims are living longer and having more productive, nearly normal lives.

In fact, a very significant breakthrough in the study of Lupus was discovered this year, according to the National Institutes of Health. Dr. Gerald Weisman and his associates, from New York University Medical Center in New York City, found that levels of C3A, a human blood component, rose significantly months before a flareup of the disease.

Thus, successive measurements of the blood factor, C3A, may be a tool to predict the patient's next flare-up. There is now hope, for the first time, preventative measures can be taken. I am grateful for the progress of these researchers.

I am also grateful for the Lupus Foundation of America, who for the last decade, has been largely responsible for furthering the study of the disease. This year, the Lupus Foundation of America awarded 18 research grants and 10 student fellowships for the study of Lupus' potential causes and cure.

The outlook has improved considerably. Research advances in the last 10 years have brought about improved treatment, disease control, and better diagnostic methods. Lupus has become a chronic disease rather than the acute and fatal disorder it was thought to be. But Lupus is still an enigma. More awareness and understanding of the causes of Lupus is essential in finding its cure.

Do not forget: October is Lupus awareness month.

I yield the floor.

SUPREME COURT NOMINATION OF JUDGE BORK

Mr. ROCKEFELLER. Mr. President, the Senate Judiciary Committee has recently completed its extraordinary and searching hearings on the nomination of Judge Robert Bork to be a Supreme Court Justice. Those hearings were a model of thoroughness, fairness, and balance. They gave Senators and the country a chance to learn about Judge Bork and his views. They also provided us with an unusual opportunity to reflect on our Constitution, the role of the courts in our system of Government, and the nature of our constitutional rights.

This nomination has provoked enormous public interest and debate. The battle has been hard-fought, so intense that many have likened it to an election. Some have expressed the concern that the confirmation process is being fundamentally altered—and damaged.

In my view, nothing could be further from the truth. The decisions of the Supreme Court touch the lives of every American. The balance of the Court is close; its makeup profoundly affects the direction of the Court and our society into the next century. There would be something seriously wrong if people did not care a great deal about this nomination. Indifference and apathy about this nomination would be a danger signal about the vitality of our democracy. This battle, however it turns out, honors our Constitution and our commitment to full and vigorous public debate.

I intend to vote against the nomination of Judge Robert Bork to the U.S. Supreme Court.

Judge Bork's credentials as a lawyer and legal scholar; his experience as Solicitor General and appellate judge; the power of his intellect—none of these can be denied.

But ultimately, in my view, it is not Judge Bork's credentials that should be decisive. What matters are his views of the Constitution and the rule of the courts in our system.

Judge Bork's admirers seem split on who he is, and why we should confirm him. Many who welcomed his nomination have been uniformly hostile to everything the Supreme Court has done for the past 30 years. They see in Judge Bork one of their own: someone who would, at the very least, stem the judicial tide, and would preferably roll it back.

Others of his admirers have taken to describing Judge Bork as the foremost proponent of the doctrine of "judicial restraint"—a fair-minded, conservative judge in the tradition of Justices Frankfurter, Harlan, and Powell. We

have heard this view frequently in recent weeks, as Judge Bork moderated many of his most controversial and longstanding views during the confirmation hearings.

I find no resemblance between Judge Bork's record over the past 25 years and the philosophy of Justices Frankfurter, Harlan, or Powell. In my view, his record places him far outside the mainstream of constitutional law—joined only by William Rehnquist in his unremitting hostility to civil rights and individual liberties in almost every possible context.

I will not itemize all Judge Bork's decisions and writings that trouble me. But on the landmark issues, the cases or legislation that have truly moved our country toward the ideal of equal justice—when it really matters—Judge Bork has always been wrong. He opposed the 1964 Civil Rights Act, terming its central provision, that public accommodations should be open to people irrespective of race, a "principle of unsurpassed ugliness." He opposed the decision which struck down the use of poll taxes, a time-honored device designed to block minorities from voting, because "it was a very small poll tax." He denounced the Supreme Court for upholding the provisions of the Voting Rights Act banning literacy tests, as "very bad, indeed pernicious constitutional law." And Judge Bork has always opposed the line of cases in which the Supreme Court has found that "one man, one vote" was an essential principle for fair and representative legislative bodies—describing it as a "straitjacket."

His views on these, and so many other important matters, never show signs of doubt. He is almost always forceful, outspoken, absolutely certain—and terribly wrong. His brilliance is harnessed in support of a philosophy that is harsh, restrictive, extreme, and insensitive. He seems unwilling or unable to recognize that in our system, the courts exist to protect the rights of individuals and minorities against hostile legislative majorities. That is the special province of the courts, and the special genius of the Constitution.

Very frankly, I do not find the "moderate" Judge Bork to be very convincing. The effort to sell him as a moderate is somewhat demeaning to the strength of his views, and what he has stood for, all these years. He became celebrated because of his views; he was nominated because of his views. President Reagan and Attorney General Meese knew what they were doing, and why they were doing it.

They threw down the gauntlet. They picked a nominee who shared their view of civil rights, individual liberties, the Constitution, and the Supreme

Court. They tried to enshrine their view of the Constitution, so that the Supreme Court would reflect those views for years to come. Feeling strongly as they do, they have every right to try to do it.

But they should not be surprised when they find themselves in a battle. This nomination really is a referendum on some very important issues and ideals. And this nomination is in trouble for a straight-forward reason: because the majority of the Senate, and the majority of Americans, apparently don't share the view of the Constitution and the Supreme Court embraced by Judge Bork, Attorney General Meese and President Reagan. Confronted with it directly, most Americans do not want to roll back the clock, or repudiate the progress made toward equal justice at such great cost for so many views. They do not embrace Judge Bork's unusual views about the first amendment, the 14 amendment and the right of privacy. They do not believe that the Government is always right every time that Government authority collides with the constitutional rights of individuals.

We are having an historic battle over the nomination because everyone understands what's at stake.

Because of what is at stake, people are deeply and intensely involved. Because of what is at stake, I oppose this nomination and hope that it will be defeated.

Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

ODE TO THE CARDINALS

Mr. DANFORTH. Mr. President, during our 200-year history many eloquent words have been spoken on the floor of the U.S. Senate, but every so often an event occurs that is so momentous that it deserves a special effort. Therefore, the following:

The score was close, two runners on,
The crowd was sitting tight.
Up stepped Dan Driessen, took a ball,
Then slammed one into right.
The crowd it roared, a throaty cry,
Expressing its delight,
As Smith and Coleman crossed the plate,
The Cardinals took the night.

Just another vic'try, folks,
One of 94 in all,
But quite enough to take the East,
Bring on the Giants: Play ball!
For Cardinal fans, 3 million strong,
The season's been a treat.
Since May our Redbirds were on top,
It's really been a feat.

Despite sore arms and broken legs,
(the dugout's safe no more),
The Car-din-als have battled on,
And thrilled us to the core.

The Redbirds had their ups and downs,
At times we were concerned.

But when the stakes were at their height,
The other teams got burned.

The Mets of Gotham challenged us,
They thought us on the ropes.
But, when they came to watch us play,
Their dreams went up in smoke.

The heroes of my hometown team,
are legion, this is true.
So let me pause, for just a sec,
To give a few their due.

To speak of guys like Coleman,
With feet so sure and fleet,
No cannon-armed outfielder,
Can to the plate him beat.

And then there is the Wizard,
Of Oz, as he is known.
The infield is his kingdom,
And short-stop is his throne.

Magicians, there are many,
But Wizards, there are few.
And when the Giants come to town,
You'll see what he can do.

Our pitchers have been brilliant,
Upon their arms we've soared,
And, done it, we can proudly say,
Without an Emery board.
Matthews, Tudor, Cox and Forsch,
Together with MaGrane,
Have stood their ground, upon the mound,
We simply can't complain.

Relievers, they have saved us,
Let's give them each a hand,
Worrell, Dayley and Dawley,
Who've pulled us out of jams.

Jack Clark with his bazooka,
It's hidden in his bat,
How else, the other pitchers say,
Could he hit the ball like that?

Herr, McGee and Pendleton,
Have all made awesome plays,
With Pena and Oquendo,
They've made our summer days.

And then of course there's Whitey,
Who's led us to this point.
Let's pray, my friends, that Candlestick,
Ain't near a pasta joint.

Before we get excited,
That the pennant race is done,
Let's bear in mind that next we face,
The Giants who've also won.

The Giants are a wily bunch,
And skilled in baseball ways,
But 'gainst the Cards, their only hope,
Is bring back Willie Mays.

I am a Redbird fan, my friends,
St. Lou's the team for me
And if there is a better club
I dare you to Show Me!

Mr. President, I yield the floor.
Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

ON THE NOMINATION OF JUDGE ROBERT H. BORK

Ms. MIKULSKI. Mr. President, 2 days ago the Judiciary Committee concluded its hearings on the nomination of Robert Bork. I followed those hearings carefully. Since then, I have reviewed Mr. Bork's testimony, and that of other witnesses who appeared before the committee. Finally, I went back and read the Constitution, paying particular attention to the amendments the testimony focused

on: The 1st amendment; the 9th amendment; the 14th amendment.

After all, in the final analysis, these hearings have been about the Constitution as much as anything else. And in reading the Constitution, I came to the conclusion that Robert Bork and I have such fundamentally different views about what that Constitution means that I must oppose his nomination.

I am not a lawyer, and I am not a constitutional scholar. But I do not believe that one needs to be a lawyer, or a constitutional scholar, to know the meaning of equality, or understand the essence of liberty. My understanding of the Constitution is based on the fundamental American belief that all men and women are, in fact, created equal, and share certain inalienable rights.

I will oppose the Bork nomination because I do not think Mr. Bork shares those beliefs. And even if he does, I do not believe they would guide his actions on the Court.

This nomination has focused attention on the core constitutional values that define the very role of government in our society: Freedom of speech; freedom of religion; the right to privacy; and equal protection of the law.

Those same values translate the guarantees of equality and liberty on which this great Nation rests, into the rule of law by which we live.

As I see it, it is the paramount responsibility of the Supreme Court to protect and preserve the equality and liberty of which the Constitution speaks. It is the Supreme Court that breathes life into the promise of those words. As such, I see no place on the Court for someone who would allow an employer to force its women employees to choose between being sterilized and keeping their job.

I see no place on the Court for someone who would close the courthouse doors to the veteran and the handicapped, denying that they have standing to sue in a court of law.

And I see no place on the Supreme Court for someone who views equality—whether involving questions of race or gender or lineage—as an intellectual exercise rather than as a principle of profound importance.

It is for these reasons that I see no room on the Supreme Court for Robert Bork.

Of the thousands of votes I will cast as a U.S. Senator, a vote on the confirmation of a nominee for the Supreme Court is among the most important and far reaching. It is the only vote I will ever cast that is irrevocable and irretrievable.

I approached this appointment with an open mind about the nominee. I have become convinced, however, that the appointment of Robert Bork to

the Supreme Court would be a tragic step backward on the long, hard road this Nation has traveled to fulfill the promise of our Constitution. I believe we cannot afford such retreat. Neither can we afford to gamble with the precious constitutional guarantees that we Americans cherish. We, you the American people, deserve better.

NOMINATION OF WILLIAM VERITY

Mr. D'AMATO. Mr. President, I rise today to oppose the nomination of C. William Verity as Secretary of Commerce. Frankly, Mr. President, I find his nomination by this administration surprising. It lacks the kind of sensitivity that I think is necessary if we, as the leaders of the free world, are going to be accorded any degree of credibility by our allies when we talk about human rights and fundamental freedoms. It seems we have difficulty in carrying through on our words.

It seems to me that Mr. Verity's record shows a consistent pattern of insensitivity and public opposition to the fundamental principles upon which our policies are supposed to be grounded.

Mr. Verity's previous expressions of opposition to linkage between Soviet trade credits and trade status and Soviet human rights violations, including its poor record on emigration, runs directly counter to the President's own policy objectives. As cochairman of the U.S.-U.S.S.R. Trade and Economic Council, Verity specifically opposed the Jackson-Vanik and Stevenson amendments tying expanded trade with the Soviet Union to Soviet human rights conduct. His statements in reference to emigration of Soviet Jews was absolutely unconscionable and shocking. Let me quote: "The American Jewish community can never be satisfied on this matter. Their desires will ever be escalating."

Maybe, Mr. President, Mr. Verity is right on one thing. The American Jewish community should not be, nor should any community, nor should America be satisfied with Soviet responses to our complaints about Soviet human rights deprivations. These violations have continued to take place not only in the Soviet Union and have not only affected Jews but also Pentecostals and Baptists and Catholics in the Ukraine. I think Verity's statements are outrageous and unacceptable, particularly from someone who will be representing the Nation as a Cabinet member, as the Secretary of Commerce.

I have closely reviewed Mr. Verity's statements during his confirmation hearing before the Committee on Commerce, Science, and Technology. I have also read with care his written responses to questions that I had submitted to him for the record, and I am

not satisfied. To be honest, Mr. President, I am more concerned now than I was before he testified.

His responses confirm in my mind that his underlying views have not changed since he stated his opposition to Jackson-Vanik, the Stevenson amendment, and the issue of linkage between trade and Soviet international behavior. His new assurance to the committee that he would uphold Jackson-Vanik because it is the law of the land, was grudging. The entire thrust of his confirmation testimony reflected his overriding desire and intent to increase United States-Soviet trade, regardless of the impact on any other policy objective.

I have spent the past 2 years as Chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission. In the course of my tenure as Chairman, I have had the honor and privilege to meet many of the Soviet dissidents. They are, I believe, genuine moral heroes of our age. When I read Mr. Verity's remarks, I hear the words of Natan Shcharansky and Yuri Orlov. I recall Andrei Sakharov's remarks on the differences between the Soviet's closed, totalitarian society and the open societies of the West. Mr. President, I know whom I trust and believe.

Mr. President, let me read into the record just part of a communication which I received from the Colorado Committee of Concern for Soviet Jewry. It is a partial transcript of a radio interview which Mr. Verity had on Radio Moscow. This interview took place on March 7, 1984.

On the issue of the Congress and the Jackson-Vanik amendment, the transcript indicates that the following were Mr. Verity's own words:

I think the Jackson-Vanik amendment was one of the terrible mistakes that was made by American politicians. I believe that the Jackson-Vanik amendment can be amended so that it won't have the effect that it has had now.

I wonder what he means by that, Mr. President. Does it mean that maybe we have been able to help the plight of some we otherwise would not have been able to help, or does it mean that we should give up our quest for respect for human rights and human dignity?

He goes on to say:

I just don't know how at the moment we can amend the Jackson-Vanik amendment but there's a lot of talk about it in the States. I think the business community would like to eliminate the amendment because it's just a barrier to trade to the Soviet Union and it does no good.

Mr. Verity's emphasis on increased United States-Soviet trade is sadly misplaced. It undercuts and ignores the sacrifices made by Soviet dissidents and refuseniks and people who seek freedom and liberty throughout the world. It undermines years of careful diplomacy in the Helsinki process

by which we and our allies have fought for better Soviet human rights compliance. It sends absolutely the wrong signal to the Soviets and to our allies as we enter the final phase of the Vienna review meeting of the conference on security and cooperation in Europe.

After reading Verity's views, what will the Soviets think of our diplomats' efforts to achieve improvements in Soviet human rights performance?

What will other nations' leaders think about the United States and its concerns in this area? I think it would be impossible for other nations to believe that the United States is committed to those principles.

When a Cabinet officer makes public statements advocating giving to the Soviets the thing they want most from us—access to the products of our economy along with trade credits to finance their purchase—without requiring meaningful changes in Soviet internal practices, it is very possible that they will give Mr. Verity's views more weight—disregarding our diplomats' representations regarding United States policy. If that happens, we might as well throw the Helsinki accords into the trash.

I believe that the American people put human rights ahead of trade and profit. Mr. Verity's past statements that our human rights efforts constitute interference in Soviet internal affairs exactly echo Soviet positions taken to blunt Western human rights concerns.

While he may say he no longer believes this, I find that it's hard to believe that many of my colleagues will stand idly by while his drive to expand United States-Soviet commercial relations undoes the struggles of those in the Soviet Union and the West seeking real Soviet adherence to their international human rights commitments.

Mr. Verity's lack of sensitivity to the public interest apparently extends to this Nation's own security as well. Under his leadership, Armco Inc. agreed to sell a \$353 million steel mill to the Soviet Union. That plan was terminated by the Presidential trade embargo imposed by then-President Carter in response to the Soviet invasion of Afghanistan. Mr. Verity's remarkable response was to complain bitterly about the President's policy.

Mr. President, steel from that mill would have gone directly into Soviet armor, bombs, and bayonets. This is the man to whom the administration would entrust the authority to guard against Soviet acquisition of advanced American and Western military and dual use technologies. Any person who would place increased trade with the Soviet Union on the same plane as our national security would not be this Senator's choice to be our next Secretary of Commerce.

People of the United States deserve a Secretary of Commerce who can tell the difference between the public interest and corporate interest. William Verity's consistent record of insensitivity to any values beyond the balance sheet, raises the most serious questions as to whether he is such a person. I am disappointed, disturbed, and firmly opposed to his confirmation.

Mr. President, I am not going to belabor the point, but let me say that I have communicated with my colleagues by a letter dated October 1 in which I expressed my concerns and my opposition to Mr. Verity being confirmed as the Secretary of Commerce.

In addition, I sent a letter on October 2 to a number of my colleagues on the Helsinki Commission, including the information that was provided to me in the transcript of Mr. Verity's remarks, which I think really indicates how Mr. Verity feels about the issue of human rights. I do not think we should have a Secretary who says, "Well, if it is the law, I will uphold it", but who does it in a grudging way. I do not believe that Mr. Verity intends to see to it that those principles are carried out and are lived up to.

I will tell you something else, Mr. President. For those of my colleagues who say, "Well, he is only going to be in office for the balance of this term, a little more than 1 year; Therefore, what is the sense of raising one's voice," I say that is a rather sorry admission. I think we owe it to the people of this Nation and to this administration and, yes, even to our President to call to his attention the nominee's shortcomings. It is not good enough that he may be a friend of the President. I think we have to look to his record, and his record is a sorry tale when compared to what this Nation stands for and is all about.

For those reasons, Mr. President, I intend to not only oppose this nomination but to work as vigorously as I can to bring these facts, this information, and these concerns to the attention of my colleagues. I think that if they have an opportunity to examine them closely, they may reconsider their positions.

Mr. President, I ask unanimous consent to print in the RECORD following my remarks, a partial text of Mr. Verity's Radio Moscow interview and Mr. "Dear Colleague" letter dated October 1, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF MR. C. WILLIAM VERITY, JR.
ON RADIO MOSCOW

Source: Radio Moscow, North American Service English language, shortwave.

Broadcast Date: March 7, 1984.

Time: 6:45, 8:45, 10:45 p.m. EST.

[Condensed text; ellipses show deletions.]

*** Announcer. In 1951, at the height of the Cold War, the U.S. withdrew Most Fa-

vored Nation status from the Soviet Union. As a result, this country lost the standard trading rights granted by the United States to the vast majority of countries *** Mr. Verity comments on this in the following way:

Verity. It is true that the, the tariff or the duties, uh, for Soviet products on the American market is higher than they are on other European countries. In 1972, a uh trade agreement was made in which one of the purposes was, uh, to grant Most Favored Nation to the Soviet Union. I believe that is a possibility and I believe it should be done ***

*** Announcer. In spite of the importance of exports to the United States economy, the Congress passed the Jackson-Vanik amendment to the Trade Reform Act of 1974 which prevented Soviet-American trade from any substantial expansion. Mr. Verity holds the following view of this discriminatory trade legislation:

Verity. I think the Jackson-Vanik amendment was one of the terrible mistakes that was made by American politicians *** I believe that the Jackson-Vanik amendment can be amended, uh, so that it won't uh, have the effect that it's had now. I just don't know how at the moment that we can amend the Jackson-Vanik amendment but there's a lot of talk about it in the United States. I think the business community would like to eliminate the amendment because it's just a, a barrier to trade with the Soviet Union and it does no good.

*** Announcer. Mr. Verity also mentioned that despite the present difficulties in Soviet-American trade, the Soviet side is willing to do its best to stabilize it and hopefully to expand. Mr. Verity goes on to say:

Verity. I find that they would like to deal, with uh, with the United States. I think there's a friendship between our two countries, particularly between people. We like each other. They know that it's more difficult to deal with the United States right now, and they'll tell us that, that uh, really because of "your unreliability and the political problems it's easier for us to deal with France or Italy or Japan. But nevertheless we would like to deal with you and ***"

U.S. SENATE,

Washington, DC, October 1, 1987.

DEAR COLLEAGUE: I write today to ask that you join me in opposing confirmation of Mr. C. William Verity, nominated as Secretary of Commerce.

My opposition to Mr. Verity derives from his demonstrated opposition to fundamental principles governing our policy toward the Soviet Union. Mr. Verity has, in the past, strongly opposed the Jackson-Vanik and Stevenson amendments tying Soviet Most-Favored-Nation trade status and trade credits to improvements in Soviet Jewish emigration levels. His grudging about-face on this issue during his confirmation hearing was not persuasive.

However, Verity's views on Jackson-Vanik and the suffering of Soviet Jewry are symptomatic of something larger—his narrow commitment to expand U.S.-Soviet trade without regard for any other policy objectives.

Preparing for the Geneva Summit, President Reagan set forth four touchstones of U.S. relations with the Soviet Union: bilateral issues, human rights, arms control, and regional problems. The President called for parallel progress on all of these issues as a condition for improved relations between our two nations.

Mr. Verity doesn't share these linked priorities. Human rights is, from his own statements, a secondary matter. He shows little understanding of, and certainly little enough sympathy for, the cause of dissidents and refuseniks who have struggled for years against Soviet repression in seeking to exercise rights guaranteed under international documents freely signed by Soviet leaders.

I am particularly concerned that Mr. Verity's confirmation would mark an effective end to linkage of the policy principles the President established as the basis for our relationship with the Soviet Union. His attitude strikes at the very foundation of the Helsinki Accords and its linked provisions concerning security, trade, and human rights, upon which so many have placed so much hope.

If the Senate confirms Mr. Verity, it will be sending the wrong message to the Soviet leaders: the wrong message to those in the Soviet Union still struggling for human rights and the right to emigrate; the wrong message to friends of human rights both here and abroad; and the wrong message to the signing nations of the Helsinki Accords, whose representatives are now gathered in Vienna, Austria, to chart the future course of the Helsinki Process. That message will be that we are placing profit ahead of principle and commerce ahead of liberty.

I ask you to join me in opposing Mr. Verity's confirmation. If you desire additional information, please have your staff contact either Jim Wholey at 4-8350 or Mike Hathaway at 4-8362.

Sincerely,

ALFONSE D'AMATO,
U.S. Senator.

THE NOMINATION OF JUDGE ROBERT BORK

Mr. WIRTH. Mr. President, over the past several months, this Nation has engaged in a lengthy, detailed debate over President Reagan's nomination of Robert Bork to assume the title of Associate Justice of the Supreme Court of the United States. Judge Bork would fill the vacancy created this summer by the resignation of Justice Lewis Powell, Jr., a conservative jurist widely considered to be the "swing" vote on a Court frequently split 5 to 4 on crucial decisions regarding the fundamental rights and liberties of the American people.

This national debate has, in my opinion, provided Americans with a firsthand look at how the "checks and balances," built into the Constitution by our forefathers, work to ensure that no single branch of Government—however popular or currently acclaimed—may wield power without due measure of constraint and scrutiny. That this event should occur during the 200th anniversary celebration of our Constitution has only underscored its significance.

What is less fortunate, however, has been the intensely divisive nature of the debate. Seldom, since the fight for civil rights erupted in our streets more than two decades ago, have our emotions as a nation so captured us in

dealing with a public issue as we have seen in the struggle over Judge Bork.

Although I regret the polarization that has occurred during this process, I nonetheless believe that America is better served by a far-reaching debate over the fundamental principles upon which our democracy was founded than by the polite rubberstamping of a nominee who will become the crucial fifth vote on a deeply divided nine-member Court.

As Justice Holmes noted in his most famous opinion regarding the Constitution's protection of free speech,

The ultimate good desired is better reached by free trade in ideas—the best truth is the power of the thought to get itself accepted in the competition of the market.

For the last 2 months, I have closely examined the record compiled by Robert Bork over the past 25 years and have carefully listened to the testimony and debate. I have concluded, as a result, that I cannot support his nomination. I do not believe that he sufficiently understands the meaning and power of our traditions of individual liberty and social equality, two concepts fundamental to our country, and upon which our citizens base their trust in our democratic form of government.

At the beginning of this process, I compiled a list of criteria against which I intended to measure Judge Bork's qualifications.

I ask unanimous consent that those be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. WIRTH. Mr. President, the purpose was to develop a framework for my examination of the immense amount of information that I knew would need to be digested. Primary among these considerations was a review of the nominee's judicial philosophy, temperament, view of the law, and beliefs about the role of the Supreme Court.

As I sorted through the avalanche of analyses of Judge Bork's record, I found myself increasingly disturbed by his judicial philosophy, which I could not square with many of his opinions. Most alarming was a clearly discernible pattern that by its very consistency would seem unattainable by any judge diligently applying "neutral" principles in his approach to the law.

Moreover, as I listened to the hearings and studied the nominee's opinions and articles, it became increasingly clear to me that here was a judge who considered as "incorrectly decided," "unprincipled," and "unjustifiable" many of the major Supreme Court decisions that had guided this Nation along the road toward greater social justice for more than 30 years.

My objection to Robert Bork goes beyond my disagreement with many of his positions. I am discomfited and concerned that while he will strive to be literally correct in his application of the law—as he reads and interprets it—his decisions too often appear to be morally bereft. For all of his legal scholarship and ability to dissect the letter of law, I am unconvinced that Robert Bork grasps the spirit of our laws.

As a result, I fear he would be unable or unwilling to protect certain precious American values, such as freedom of speech, access to the courts, and equal protection of the law. Despite his assertions of moderation and of great reverence for settled law, Robert Bork has spent a significant portion of his career criticizing some of the most fundamental tenets of American jurisprudence. I do not see how he could avoid being swayed by his own powerful arguments.

I am also extremely uncomfortable with the inconsistency in his application of his philosophy of judicial restraint. His insistence on a precise "originalist" reading of statutory and constitutional provisions is often at odds with his opinions. Judge Bork appears to be able to discover either a strict or expansive interpretation of the law, depending on which agrees with his personal beliefs; the much discussed consistency of his positions and philosophy disappeared under the intense scrutiny of this fall's hearings.

He also insists on judicial deference to majoritarian rule by the legislatures and the power of regulatory agencies to fulfill their mission. Yet, judging from his record, he does not insist on consistent deference, having demonstrated on a number of occasions a willingness to overrule or deny the authority of the legislatures and agencies whenever he happens to disagree with their intent.

Judge Bork has repeatedly stated his objection to the notion that there is a right to privacy rooted in the Constitution. While many justices and legal scholars have disagreed about the scope of a right to privacy, Judge Bork has persistently argued that, under our Constitution, there is no right to privacy.

I am also deeply troubled by Judge Bork's views on antitrust law. In this area, in particular, his philosophy of judicial restraint gives way to an activism that borders on a rigid hostility toward Congress, which he considers "institutionally incapable" of the "consistent thought" that "a rational antitrust policy requires." His narrow-minded pursuit of economic efficiency at the expense of consumer interests and the American tradition of competition place him at odds with every major antitrust law of the 20th century—an untenable position for a judge

whose guiding principle is one of judicial deference.

The record compiled by this judge, both on the bench and in his extrajudicial writings, leads me to believe that the power of citizens to obtain information about their government, challenge government decisions that endanger cherished individual liberties, the public health or the environment, and gain access to the courts would be severely threatened if he were to join the Supreme Court. I would like to expand on this issue, which has not received the emphasis in the hearings as have others, but is especially important to the State of Colorado.

The right of citizens to challenge governmental action is especially important to the people of my State. Congress has set this Nation on a course of cleaning our air and water and protecting our citizens for exposure to toxic chemicals. Congress also has entrusted to executive agencies the management of our public lands, which include the priceless treasures of our national parks, and the sweeping vistas of our national forests.

Many times, the citizens of Colorado and the Nation disagree with the way in which these agencies carry out their statutory duties—whether it is a decision about clear-cutting on the national forests, reducing air pollution in Denver, or protecting vital wildlife habitat. Individuals and groups can, of course, take their appeal to the Congress, and can express their disagreements at the ballot box. But I believe that the people of this country also have a right to have these disputes resolved in the Nation's courts of law.

In a multitude of Federal laws, such as the Clean Air Act and the Clean Water Act, the Congress expressly conferred upon citizens the right to use the judicial process to enforce these important laws. At the same time, the Federal courts have recognized that access to the courts is as vital for protection of environmental values as it is for protection of our economic well-being.

I am especially troubled at the pattern of Judge Bork's decisions on this question of standing. Judge Bork frequently has argued that many cases, including environmental cases, should not be heard by the Federal courts. Judge Bork's application of the doctrine of standing threatens to close the doors of the Federal courts to these disputes—and to these citizens.

And, although I heard him repeatedly stress that he had since moderated his views and now found many of those decisions to be correct—or too deeply rooted in our society to be overturned—I became increasingly concerned. I could not imagine a defensible answer to the question of what had motivated him to write such blistering attacks on fundamental Ameri-

can values in the first place, nor could I rationalize the facility with which he disposed of those unpopular views before the Judiciary Committee.

Unfortunately, the Supreme Court is not as well known to many citizens of our Nation as are the legislative and executive branches of the Federal Government. But known or unknown, our Constitution and the governmental system which rests on it give tremendous power to this body of jurists. Subject only to the power of impeachment in the case of a flagrant abuse of power or impropriety, and to their own consciences, the members of the Court sit for life in final judgment of cases brought under law and the Constitution. The Court can change fundamentally, and has on more than a few occasions, the very fabric of our society by its decisions.

The placement of a justice on the Court is of such consequence that I believe it should be done only when the evidence is clear and convincing that the nominee is cognizant and fully respectful of those liberties and privileges of citizenship which set this Nation apart.

The testimony of Judge Bork and all of those who testified in his behalf, and all the written material presented by those who support his nomination, did not provide such clear and convincing evidence in my opinion. To the contrary, I am left with grave doubts in many areas and a pervasive feeling of discomfort with the nominee.

Having reached such a conclusion, I believe a Senator would be violating the trust of those who elected him to vote to confirm the nomination. And so, I am unable to cast my vote in support of Judge Bork's confirmation.

EXHIBIT 1

CRITERIA FOR EVALUATION OF SUPREME COURT NOMINEES

- (1) Does the nominee have the intellectual capacity, competence and temperament to be a Supreme Court Justice?
- (2) Is the nominee of good moral character and free of conflicts of interest?
- (3) Will the nominee faithfully uphold the Constitution of the United States?
- (4) What is the nominee's vision of what the Constitution means?
- (5) Are the nominee's substantive views of what the law should be acceptable with regard to the fundamental rights of the American people?
- (6) What are the nominee's views of the role of the Supreme Court and of Supreme Court Justices?
- (7) Would the confirmation of the nominee alter the balance of the Court philosophically and if so, is that balance in the best interests of the American people?
- (8) Are the nominee's views well within the accepted, time-honored and respected views of legal tradition?

McKENDREE METHODIST CHURCH

Mr. SASSER. Mr. President, two Sundays ago, it was my distinct honor

to address the congregation of the McKendree United Methodist Church in Nashville, TN.

McKendree has long held a special place in the history of Nashville and this year, along with the Constitution of the United States, McKendree celebrates its 200th birthday.

Since 1787, McKendree has served the spiritual needs of its membership and its community. Organized just 3 years after the famous Christmas conference in Baltimore, in which the American Methodist Church was formally founded, McKendree's membership first met in Nashville homes.

In 1790, a building was erected in what is now the town square. It was the first church building in Nashville.

From these humble beginnings, McKendree embarked on a course of bringing the light of Christ to this new nation and new frontier.

Even before George Washington was sworn in as this country's first President, McKendree was ministering in the name of the Lord. And, as America grew, so, too, did McKendree. The church outgrew several buildings before settling at the present location of 523 Church Street.

When America began to look outward, beyond its borders to new frontiers and new challenges, so too, did McKendree.

The Reverend Fountain Pitts, an early pastor of the church, was in 1835 the second missionary to be sent into a foreign land by the Methodist Church.

In 1955, Bill Starnes, a missionary in Africa supported by the church, was instrumental in founding the Congo Polytechnic Institute.

McKendree has also made contributions to the political history of our Nation. James Polk, a President of the United States, was a member of the church and his funeral was held at McKendree.

The church served as a hospital facility during the Civil War.

No less than six Tennessee Governors were sworn into office at McKendree, including Andrew Johnson, in 1853.

So you can see that McKendree has played an integral role in all facets of community life and history in Nashville. Its members today carry on in the same fine tradition of service to community and country, the church a beacon for the people of Nashville.

The membership of McKendree are proud of that heritage, and rightfully so. The enthusiasm and zest for life has been passed on from generation to generation.

It can be seen in McKendree's continued commitment to servicing the needs of the community. It can be measured by the indomitable faith of its membership.

I extend my heartfelt thanks to the people of McKendree for the privilege

of sharing in their 200th anniversary, and I wish them 200 more.

CHARTERING OF U.S. TANKER "MARYLAND" TO KUWAIT

Mr. MURKOWSKI. Mr. President, yesterday, a rather extraordinary event occurred which I had an opportunity to call attention to last evening in this body, but there have been additional developments that I think warrant further expansion today.

Yesterday, the U.S. Maritime Administration announced the chartering of the U.S. tanker *Maryland*, a 265,000 deadweight tanker, to Kuwait. This is a ship that was built with U.S. construction subsidies. It laid idle for the last 5 years in the port of Portland, OR. In a very short time, it will go into a Portland shipyard.

The significance to this body is that it will be the first U.S.-crewed, U.S.-flagged vessel, U.S.-built vessel to go into the Persian Gulf, in November.

It will give our Navy an opportunity to convoy and protect truly the first United States vessel, the first time we have had a 100-percent American vessel in the Persian Gulf since the increased activity associated with the Iran-Iraq conflict.

I think it is interesting to reflect for a moment the good deal of debate that has taken place in this body in the last weeks involving our current posture on the War Powers Act—whether we should or should not invoke that act, from the standpoint of the President and the administration reporting to Congress for the necessary congressional consideration.

This started out as a debate over the issue of reflagging. We have not yet resolved the issue of reflagging by any means, but progress has been made.

Unfortunately, when the issue came up and the Government of Kuwait approached our Government with the idea of reflagging 11 Kuwaiti ships, it seemed that our attention was focused on our obligation to keep the oil flowing in the Persian Gulf. The role of the State Department, the Department of Defense, and the NSC was focused in rather narrowly, on responding to the interests of Kuwait, to ensure that the oil would continue to flow freely to the markets of the world.

I might add that as we address who the recipients are of Kuwaiti oil, there is some food for thought. As I recall, Western Europe gets about 35 percent of the Persian Gulf oil; the United States some 9 percent, although that has been increasing; and the balance is going to Japan. But, truly, we were keeping the Persian Gulf sealanes open for the benefit of our allies. That was an appropriate consideration. But the real question of the appropriateness of reflagging foreign ships was

questioned at great length by this body, as it should have been. And there was a good deal of debate in this body. It is indeed unfortunate that the administration was not more sensitive to realities that there was indeed an alternative available and that alternative, Mr. President, was the fact that we had nearly 40 ships laid up built with U.S. construction subsidies, many of which were capable of serving in the Persian Gulf as truly U.S. ships built with U.S. taxpayers' money, to a large degree ready to be crewed by U.S. union crews who when asked what about the danger in serving in the Persian Gulf responded by saying that it was part of going to sea, so to speak, in the tradition of the American seamen to serve on ships in areas of danger, and the maritime unions in this country were prepared to man those ships.

Well, unfortunately, the administration really did not get its act together and as a consequence, we were not able to utilize the leverage we had, and the leverage is quite obvious to all of us, Mr. President. We had the extraordinary leverage of insuring for the benefit of the Kuwaitis the movement of their oil to market and what we could have asked them in turn was to put our ships to work.

Unfortunately, we responded to the Kuwaitis and have reflagged now 10 out of the 11 ships. But some of us saw fit, Mr. President, to go on to continue to press the issue, to urge our colleagues to not deviate to the point of getting the argument entirely over the War Powers Act but to bring it back to the focus of where we started, and that is to the reality that there is some validity in charity begins at home.

We have watched the Soviet role in the Persian Gulf where they did not see fit to reflag their ships. They simply offered their ships for charter to the Government of Kuwait. We saw Great Britain, with a tradition as a seafaring country if there ever was one, continuing the same policy.

Surely, we want to involve ourselves in assisting in the Persian Gulf. We will put some of our military capability in the Persian Gulf, but we will not reflag our vessels. You can charter our vessels. As a consequence we have watched our position deteriorate in one sense as far as participating in the commercial movement of that oil. Yet at the same time we have undertaken the obligation of providing an extraordinary amount of protection in the presence of the U.S. Navy with now some 30 to 40 vessels and some 15,000 personnel. Make no mistake about it, Mr. President, our military personnel are in the Persian Gulf today prepared to die, prepared to die, Mr. President, if necessary to keep oil flowing.

The significance is that we now had the first U.S. ship that is going to be

hauling this oil. In this body, the Senate accepted by unanimous consent amendments urging the use of U.S. crew, flagged vessels, an alternative to the Kuwaitis' request of reflagging, and the merits of the debate that ensued.

I want to pay tribute today to a group, an agency of the Federal Government called the Maritime Administration, referred to as MarAd. They have been consistent in encouraging trying to get through the bureaucracy, trying to get through the perception that indeed is part of the American reality, to participate in the carriage of oil, and they have worked tirelessly, to encourage both the private sector, which has tankers available for charter and foreclose tankers such as the *Maryland*, which was leased to Kuwait within the last day. As a consequence of their persistence, we have seen that the conclusion of the lease has been done for consideration of \$5 million for a 2-year period.

Mr. President, it is a right decision.

And we have further opportunities because MarAd is foreclosing on the *New York*, and that should be available in the next 45 days for consideration to any commerce for sale or lease.

There is the *Williamsburg* which is also laid up in a private firm, but the MarAd is interested in trying to lease that to Kuwait.

Mr. President, I would urge my colleagues to consider the merits of what is taking place. We are gradually beginning to penetrate and rightly so in the spirit of equity a role more than just the protection of oil in the Persian Gulf but an involvement of our own tankers.

We have had our flag for lease. We have been providing protection to ships that remain in the Persian Gulf. We have been in effect a party to a legal fiction in the reflagging issue, and chartering is an initial approach. It is a sound approach. It puts our maritime workers off the beach and on the ship where they belong.

I think we have an extraordinary opportunity now, and I would encourage our unions to use their contacts that we can press for more charters. We can press for more involvement.

We intend to be meeting next week with the Kuwaitis to explore the opportunity for more charters, and I think that this opportunity before us is one that will be with us for a short period of time.

As a consequence, Mr. President, I would again urge my colleagues to consider the merits of truly U.S. tankers in the movement of crude oil in the Persian Gulf and indeed the chartering of the first U.S. vessel, the *Maryland*, can lead us in the future relationships that involve our own best interest and gives the pride of our Navy the capability of protecting our own

ships on the high seas where they certainly belong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I thank the Chair.

THE BORK NOMINATION

Mr. RIEGLE. Mr. President, I rise today to indicate my decision to vote against Judge Bork's nomination to the Supreme Court. In talking with my colleagues, I believe a growing bipartisan majority is reaching the same judgment and that Judge Bork will not be confirmed.

This is President Reagan's third nominee to the Supreme Court. Like my colleagues, I voted to confirm the first two, Sandra Day O'Connor and Antonin Scalia, both highly respected conservative jurists. It is significant that both O'Connor and Scalia were confirmed by the Senate without a single dissenting vote.

The Bork nomination, however, is profoundly different. It is highly controversial and has split the Senate down the middle and caused great division across the country.

For the first time in history, the American Bar Association judicial screening panel was divided in its endorsement vote, with several panel members finding him unqualified and voting that he not be seated.

This deep concern about Judge Bork stems from his long held and emphatically stated views on many key subjects, including civil rights, the right to privacy, economic rights, women's rights, executive branch power, economic concentration, the environment, and many others.

For example, Judge Bork does not believe that individuals have a constitutional right to privacy—even in their own homes. This view could lead to a tremendous expansion of government power into people's lives.

On civil rights, his views, stated over a lifetime, show a remarkable insensitivity to minority people. It is not surprising that these groups find the prospect of Judge Bork on the Supreme Court personally threatening. These deep anxieties are something Judge Bork has created himself—with strongly spoken and written words over many years, that suggest the clock be turned back to notions long since rejected by our citizenry and our legal system.

His stated ideas about changing long established views expressed by the Supreme Court have caused many noted individuals and national organizations to come forward to oppose his nomination. It is highly unusual to find such diverse groups as the YWCA, the Sierra Club, the National Council of Churches, and the National Council of

Senior Citizens joining many others in coming out in active opposition to a Supreme Court nominee.

This is a crucial vacancy on the Supreme Court and one of extraordinary importance to every citizen of our land. I believe this position should be filled by someone capable of having the confidence and support of a very broad cross-section of the American people. I think many prospective nominees were available who could have united the country rather than cause such intense division and anxiety. Former Senator Howard Baker is just one example that comes to mind.

It is essential that the deciding vote on a divided nine-person court be a person of extraordinary legal skill with a mind fully open to hearing and weighing the complex competing arguments presented to the court. These cases and decisions go to the very heart of what life will be like for our people, now and in the future.

The Supreme Court is unique in that the judge is also the jury. As in any jury trial, it is vital that the member of the jury not have a closed mind on the issue being presented, before the facts in the case are even heard.

After hearing Judge Bork's testimony before the Judiciary Committee and studying his legal writings over the years, it is clear that he has rigid views—and in some areas very extreme views—on many complex legal issues. I have serious doubts as to whether he can give a fair evaluation to a case if he has already made up his mind on the issue. If a judge comes to court with a fixed view—then the whole process of opposing sides presenting a case is rendered meaningless.

Another concern I have with Judge Bork deals with his central role in the "Saturday Night Massacre" when Richard Nixon fired Archibald Cox, the Special Prosecutor in the Watergate case in 1972. The firing of Cox—as later facts indicated—was for the purpose of continuing an obstruction of justice and to keep the truth from getting to the legal authorities and the American people.

Attorney General Elliot Richardson and William Ruckelshaus both resigned when ordered to fire Cox. Bork carried out the firing, which was a sad and shameful period of official law breaking and coverup. His role at that time raises serious questions about his fitness to serve on America's highest court.

This is a lifetime appointment. If we make a mistake in seating someone, we can't correct it. Having personally recommended nine individual Federal judges to lifetime appointments in Michigan, I consider this judicial approval responsibility to be among the most important duties I have.

It is our diversity that created our Constitution and our liberties. Those

constitutional legal rights now preserve our diversity and give each of us our equal standing under the law.

This nominee falls far short in providing a sense of confidence that he understands and accepts these basic facts of American life and law.

I am hopeful the President will send us a replacement nominee who, like O'Connor and Scalia, can be confirmed with confidence—and with the broad support of the American people.

Mr. MURKOWSKI. Mr. President, I believe the majority leader is coming to the floor. I would yield the floor to my colleague from New York while awaiting the return of the majority leader.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. RIEGLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT SOUGHT ON IRAN EMBARGO BILL

Mr. HELMS. Mr. President, I advise the Senate that—with the cooperation of the distinguished majority leader and the distinguished chairman of the Foreign Relations Committee—we are now attempting to clear, and I'm confident we will clear, an agreement which would allow us to bring up on Tuesday, as a freestanding bill, the Dole amendment establishing an Iran import embargo—an amendment approved on the Defense authorization bill by a vote of 98 to 0.

It is the hope of Senator DOLE and this Senator that the agreement can and will be reached to take up this bill perhaps as the 9 a.m. vote scheduled for next Tuesday. Because we have already debated the measure on the Defense authorization bill, we do not anticipate scheduling any debate.

I also understand the House will take up very similar—perhaps identical—legislation next week, so it may be that we could get final congressional action on the measure, and have it on the President's desk, next week.

Again, that is the hope both of Senator DOLE and the Senator from North Carolina; and I want to express my appreciation to the distinguished majority leader, and the distinguished chairman of the Foreign Relations Committee, for their help.

ORDER TO PLACE S. 1748 ON THE CALENDAR—IRAN EMBARGO

Mr. MURKOWSKI. Mr. President, I send the enclosed bill to the desk on behalf of Senator DOLE and the major-

ity leader, Senator BYRD, and ask unanimous consent to place it on the calendar. I believe it has been cleared by the majority leader.

Mr. BYRD. There is no objection on this side, Mr. President.

Mr. MURKOWSKI. It is my understanding further that no amendments are to be in order on the bill and that there is an agreed-upon time of 9 a.m. Tuesday on the vote cleared by the Republican side.

Mr. BYRD. Yes. We will make that request.

Has the Senator sent a bill to the desk?

Mr. MURKOWSKI. I ask that it be put on the calendar.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:15 a.m. on Tuesday this bill (S. 1748) be made the pending business before the Senate, that no amendments be in order, that no motions to commit or recommit be in order, that there be no time for debate thereon, and that the vote occur immediately.

And may I say, before the Chair puts the requests, this is the same identical matter that we voted on on the Defense Department authorization bill. It is the Dole-Byrd bill to ban all imports from Iran. And so that is the reason why the request is being made that there be no amendments and no debate. We have had the debate before. But there is a request to have that amendment put on the State Department bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the Dole-Byrd bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER TO PLACE S. 1750 ON THE CALENDAR

Mr. MURKOWSKI. Mr. President, I send the enclosed bill to the desk on behalf of Senator STEVENS and Senator PRYOR and ask that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

THE COLLAPSE OF MARXISM

Mr. MOYNIHAN. Mr. President, in the course of what is now more than a decade in the Senate, I have spoken from time to time about what seems to me an essential event of this age: That the correlation of forces, if I can use that Soviet term, between the Soviet Union and the Western democracies has moved decisively against the Soviet Union, if not indeed against the whole of the Marxist world.

It seems to me this was the enormous fact of the third quarter of the 20th century, which is to say the near complete collapse of Marxism as an ideological force in the world, and particularly in what Marxist terms would be called the metropolitan centers. Marxism is no longer believed in Rome, Paris, Berlin, London, or New York; or very likely in Moscow itself.

Now, one of the remaining problems of this historical period is that the ripples that have made their way out from the center are continuing, even though the activity in the center has stopped. This is the pattern seen when a stone is dropped in a pond: long after there are no more ripples from the epicenter, the ripples persist to the edge. It takes a long time for the word to reach La Paz or even Managua or Maputo.

No collapse has been more dramatic or more complete than this collapse of Marxist ideology. Economic doctrines have faded, political canons have been discarded. But here was an extraordinary world view with an incomparable hold on sectors of opinion in all the great metropolitan centers of the world—a world view that has suddenly vanished.

This was once a fighting faith. There were some who detested it, some who hailed it, some who even thought it to be irresistible. All that is now over.

Now the central question of our time is emerging: How do we deal with this collapse? The great diversion and great waste of this decade is that it has been given over to the alarms and incomprehensions of persons who were properly aroused by the Marxist threat when it was virulent, and indeed endemic—if not epidemic—in many parts of the world, but who have since failed to see its collapse.

One of the great ironies as this decade comes to an end is that the announcement of Marxism's collapse comes from Moscow. Even as we scurry about Southwest Africa and former regions of the Portuguese

empire and such like, looking for its manifestation as a triumphant world force, in Moscow they say, in effect: It did not work, did it.

I recently had the honor to lead a delegation of members of the Committee on Foreign Relations to Moscow. We were guests of the Supreme Soviet. They kept insisting we were the first such delegation to be so invited. Perhaps we were, and we were happy to be treated as such.

You could not but be surprised at the degree to which they not only allowed but insisted on what they termed the widening gap between the advanced capitalist countries and the Soviet Union.

If you recall, as the distinguished Presiding Officer does, it was as recently as 1961 that then General Secretary Khrushchev proclaimed that by 1970 the Soviet Union would surpass the United States in economic production. All that is passed.

Indeed, when they talk about advanced capitalist nations, they are not talking about France. Peter the Great figured out that France had the lead on them. They are talking about Taiwan, places that were using wooden plows and stoop labor when the Russians were doing much the same and are now producing world-class electronics, when, still, all the Russians can sell the world is lumber and furs and natural gas.

The big question that arises is how do we deal with this? There is a contemporary English writer who observed that if anybody knew what the 20th century was going to be like, they would never have entered it.

It seems to me we are at a point in history where, if we consult our hopes, we can seriously ask ourselves: is it possible to exit the 20th century? Can we leave it behind as the most hideous experience mankind has ever known?

It is certainly possible. And how we do it will turn on how we decided to treat the Soviet realization that they face a crisis of the regime; that if they do not change dramatically they will be a second-rate power in the 21st century.

There are two possibilities. We can pursue a strategy of letting them collapse. It might work. It might tempt them into a dangerous view that they must take one last throw of the dice, which could be a desperate military movement toward Europe and the rest of the world. They have that power, and they will continue to for the rest of this century. That is all they will have, but they will have it.

There is a second possibility, which is that we would enter into a development agreement with the Soviet Union in exchange for their renouncing that triumphalist Marxism, which has been their principal posture in the world for the last 70 years. For them to say: No; we do not speak as the in-

heritors of the future. What we had we had hoped to do did not work out.

Let the Soviets moderate. Let their own decide what it means in some form or another to prevail in their own region, in their own country. But in the world: No; not ever. We might our part agree that so long as they cease to threaten the rest of the world, they need not think of themselves as encircled and threatened by us.

This is something wholly different and vastly more important than the idea of détente. Détente envisioned world hegemony shared by two superpowers. That possibility no longer exists for the Soviet Union. In that respect the West won the war. It is now for us to win the peace that follows. It will take Presidents with the strength of Truman and statemen with the vision of Acheson and Marshall, but above all it will take the realization that the moment has come.

You might term this the grand renunciation as we leave the 20th century. This is going to be a task of extraordinary importance for our next generation of leaders. One of those leaders, who has emerged so forthrightly on the floor of this Senate, and who is held in respect on both sides of the aisle, is, of course, our good friend the Senator from Tennessee, Senator AL GORE. Senator GORE last night delivered a remarkable address on foreign policy at Georgetown University.

Mr. President, I would call attention to several passages. One would expect, as we have learned to on this floor, a very clear discussion of nuclear agreements; of the nature of deterrence in the age we seem to be entering; of the need for mobile missiles which he has so eloquently advocated on this floor. But he goes beyond this. In a passage I particularly like he says:

General Secretary Gorbachev's efforts to restructure the Soviet economy and reinvigorate the arms control process have inspired hope that the deeply ingrained pattern of fear and hostility between us might be broken.

We do not know whether the Soviets are serious about moderating the totalitarian character of their society and the coercive character of their foreign relations. But we must find out.

If the Soviet Union is truly ready for a new era, we must be prepared to join them.

Mr. President, that is the voice of the next great debate in American foreign policy. Not the voice of the fears of a generation or two generations passed. But of the realities of the present.

Indeed, Mr. GORE goes on to say that together we and the Soviets can create a world in which competition continues, but in which we can turn our cooperative efforts to the human agenda that has been neglected so long.

This is not a man who has any illusions about the Soviet Union. It is the

Soviets who have proclaimed to the world that their system does not work. It is we who have to construct a response that can make it work in terms that are acceptable to us.

In conclusion may I read this passage.

Last week, during the visit of a prominent American leader to Moscow, the Soviets challenged us to debate our version of their sins and their version of ours. In America we know the nature of our own faults; they press always on the conscience of this country, and generate restlessness in the depths of our political life. That cannot be said of life in the Soviet Union.

As President, I will accept that challenge to debate, and take it one step further. I will propose that the leader of the Soviet Union and the President of the United States personally debate their visions of our world's future.

Mr. President, he was referring, of course, to the visit of our beloved Governor of New York, Mario Cuomo, to Moscow just recently, in which this issue came up. What a forthright way to deal with the matter.

I cannot too much commend Mr. GORE's address to my fellow Senators and the interested persons across the Nation. He addresses the point: how will we respond to the Soviet acknowledgment that either system has failed?

We do not have to insist that they use the word "fail." What more can they say than what they have said? In that context, I would call attention to a very important observation by Mr. Irving Kristol, an old and dear and valued friend of mine and of many Members of this body. In a meeting with the editors of the Washington Times, Mr. Kristol suggested that with respect to Soviet relations in the Western Hemisphere, particularly with respect to Nicaragua, what the United States should do is to demand that the Nicaraguan Government Finlandize itself.

I quote the story by Mr. Loren Weiner:

Mr. Kristol, whose remarks were made at a luncheon with editors and reporters of the Washington Times, said the if Nicaragua does not agree to become a passive Soviet ally—as Finland did after World War II—the Reagan administration should intervene militarily.

Observe, Mr. President, Mr. Kristol, who has a half-century in the politics in our country, who won great distinction after the war as an anti-Communist editor, an intellectual editor and reporter, makes the statement that if Nicaragua will do what Finland did, fine; if not, not. But if so, fine.

Mr. President, with that, I would like to ask unanimous consent that the address of Mr. GORE be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR AL GORE, GEORGETOWN UNIVERSITY, OCTOBER 1, 1987

In a little over a decade, we will enter the 21st Century. The kind of world we will live in will depend on the choices you and I make in the coming years and on the quality of American leadership.

Today, a new Soviet leader has emerged upon the scene who has seized the initiative on the issue of arms control and captured the imagination of many in the Western world. In Europe, a new generation is coming of age for whom the liberation of Paris and the creation of the Marshall Plan are as distant a memory as the assassination of the Archduke Ferdinand. On every continent and across the developing world, a revolution of freedom and hope is unfolding before our eyes.

Our country needs new leadership and a new direction to guide us safely and successfully to the next century.

The choices we make in the next few years will determine whether America will lead a global economic revolution of fall behind—whether we will support the struggle for democracy in emerging nations or watch it wither—and whether our country will take advantage of the new opportunities for controlling the arms race or escalate the nuclear competition to a new, more dangerous level.

I am concerned about the future of my country. And I am concerned about the future of my party. In matters of foreign policy and national security—once our strength and soul—I fear that our national Democratic party risks losing the faith and trust of the mainstream voters who have always supplied our mandate.

As a Democrat, I believe that we must tell the nation how we see America's role in the world—and show the American people that our first interest as a party is to stand up for America's interests as a nation.

I believe that we must promote American ideals, not doubt American motives. I know that if we do not defend freedom, no one else will. I believe that as a nation founded to throw off tyranny, we must renounce tyranny of the left as well as the right, in Poland and Cuba, South Africa and Chile.

Some doubt our country's power, and shy away from moments when it must be exercised. I believe we must be prepared to use American diplomatic, economic, political, and even military power when vital American interests are threatened.

Some suggest that our differences with the Soviet Union stem only from lack of understanding. But we already understand many of the essential truths about each other. And while greater understanding is surely needed, we must be prepared to boldly assert the distinctively American values—freedom, justice, and self-determination—which the Soviet system rejects.

The world looks to the United States as a model, and needs us as a leader. I believe we must live up to our special destiny and provide that leadership.

This is the challenge for our nation and for all who seek to shape its future: We will not lead the world by talking about strength. We can only lead the world by being strong.

The Reagan Administration has never quite understood the meaning of toughness. For most of a decade now it has mistaken words for deeds, postures for policies. It has stumbled into many failures, and stumbled even into its few successes. It has confused the American people about the requirements for their safety in a nuclear world,

first frightening them and then lulling them into a false technological promise of perfect security. It has played havoc with our allies' confidence in America. It has failed to address the social and economic agony of the Third World.

About the failures of the Reagan Administration, we Democrats are agreed. But we will regain the Presidency not by pointing to the failures of the current Administration, but by offering a positive alternative. And on the nature of that alternative we have honest differences.

These differences are not differences between liberals and conservatives. We differ about how we see the world, the nature of the challenges to America's leadership, the path to a more peaceful and prosperous future, and the ways to defend American security.

The Presidency is not just about promises and programs. It is also about experience and realism, consistency and candor.

You can't say you believe in a strong defense, and then pledge indiscriminate cuts in the defense budget.

You can't say you care about our interests in the Middle East—preserving Israel's security, fighting terrorism, reducing Soviet adventurism, and keeping the sea lanes free—if you turn your back on the Persian Gulf where our vital interests are on the line.

You can't say you'll be a tough negotiator with the Soviets, if you are willing to concede weapons system after weapons system before you ever reach the bargaining table.

You can't say you support a reliable nuclear deterrent, then turn around and propose a ban on flight tests necessary to make sure our weapons work.

You can't say you will stand up for America's global security, then threaten to abandon essential security outposts such as South Korea.

If you believe in democracy, you trust the good sense and wisdom of the American people more than that.

The American people support a strong defense and arms control with equal enthusiasm. And this is not a contradiction. It is the beginning of wisdom. The American people reject those who talk passionately of a strong defense without talking just as ardently about arms control, and those who talk passionately about arms control without talking just as ardently of a strong defense. The American people want to be and deserve to be well defended—and they feel equally strongly that not a single dollar be wasted. Support for a strong defense is not political pandering. It is political responsibility.

The politics of retreat, complacency and doubt may work for others, but it will not do for me. And it will not do for our country. I am ready to lead the Democratic Party forward with a renewed commitment to its fundamental principles—honesty, respect for the rule of law, freedom, strength, and a sense of national purpose.

I am proud of my party's traditions. I am proud of my party's role in establishing America's place in the 20th Century. But as Democrats, we must offer more than an inspiring past. We must once again become the party Americans can trust with their future.

In the weeks and months to come, I will say more about our role as a leader among democratic nations—in promoting economic growth and rising living standards around the globe, and in securing a strong collective national defense for ourselves and our allies.

This evening I shall discuss a Democratic foreign policy for America's future.

While every nation looks to its own needs first in a fiercely competitive world, we in America have always taken an especially broad view of what our national interests are.

Forty years ago, instead of turning our backs on our enemies and friends, we joined to build a new world order, more free and more prosperous than any that had gone before.

We helped establish the United Nations to work toward permanent and universal security for all nations, and NATO to preserve the freedom and independence of Western Europe.

We joined in historic agreement to build a world economy based on the free flow of capital and goods, and we helped revive the economy of a continent through the Marshall Plan. In the dust of postwar Germany and Japan, we managed to plant the seeds not only of two world economic powers, but of two vigorous democracies and two vital allies.

In those historic postwar years, we chose, in the words of General Omar Bradley, "to live bravely by convictions from which the free peoples of this world can take heart." We realized, he added, that "the United States has matured to world leadership; it is time we steered by the stars, not by the lights of each passing ship."

Now there are new calls for us to turn inward—to blame our trading partners and criticize our allies—to weaken our ties with the system we created, and to go our own way, alone.

I hear those voices in my party, and I reject them.

This country must not shrink from either competition for our products or our principles. Rather, the world depends upon us to meet new challenges with bold new leadership.

The Democratic Party must provide that leadership. The current Administration has shown what happens when American policy falls to those who are frightened of change—those who long for the past and ignore the future—those who never learned or claim they cannot recall the lessons of history.

It is not enough to make the best of things as they are. Our nation must inspire others to join us in making the world what it can become.

Today the United States looks out upon a perilous world. We have cause for hope but no room for illusions.

For the first time in at least a generation, the Soviet Union has a leader who combines youthful energy and innovation. The free world urgently needs a leader who can match him, test him, bargain with him, and make the most of this possibly historic opportunity for a safer, saner world.

We cannot afford to take on this new leader with outdated formulas. For too long, leaders in both of our political parties have naively redefined the Soviet threat to suit their own ideological needs. There is far too much at stake to put rhetoric before reality and politics before the national interest.

To match the sweep of Gorbachev's proposals, we and other free nations will have to think hard about what we want from the Soviet Union, and what we are prepared to do to get it. We need a comprehensive approach based not only on arms control and defense, but on the underlying political relationship of East and West.

We must make it impossible for either the Soviet Union or the United States to gain

any advantage from a nuclear first strike. The arms race traces back to one instinct—the fear each side shares that a nuclear first strike would leave it defenseless and unable to respond. The only way to stop the arms race is to disarm that fear itself by dealing with the kernel of truth that feeds it.

Dramatic cuts in nuclear arsenals are necessary but not sufficient. The goal has to be not just fewer weapons, but a mutual sense of stability.

Five years ago, I proposed a new way to move the world beyond uneasy deterrence to genuine stability—by shifting both sides' land forces toward single-warhead, mobile missiles. Now that the Soviets have also come to share this point of view, I believe deep reductions can be achieved based on the principle of stability.

Some think they have found a shortcut to stability—a flight test ban on ballistic missiles, designed to prevent a first-strike by preventing tests to see whether our weapons work.

I will not undermine the security of America's nuclear deterrent to meet this latest litmus test. We cannot let our enthusiasm for arms control overwhelm our better judgment. For us to succeed in cutting our strategic arsenals by 50% or more, we will have to be able to count more than ever on the missiles that remain.

For even after major reductions in our strategic arsenals, even after such an epochal achievement in arms control, we will still find ourselves in a world of deterrence. The life of every man, woman, and child in America depends on how well and how wisely we manage deterrence. I will not allow slogans and political fashions to distract me, or my party, from the sober business of maintaining American security.

All of us hope for a future in which peace no longer depends upon a balance of terror. It may one day be possible to build that better world—but not until we deal with the fears and the dangers of the world as it now is.

Real stability will require the Soviet Union to destroy a large portion of its heavy ICBM force. It will also require a transition by both sides toward more survivable retaliatory forces such as single-warhead mobile ICBMs. That is a far safer, saner, and cheaper way to reduce the threat of a nuclear first strike than a defensive arms race in space.

For now the shadow of SDI hangs over any agreement on strategic weapons. The President imagines that his Star Wars scheme can make nuclear weapons obsolete. The Soviets believe it will make an American first strike conceivable.

By insisting upon early deployment of SDI, the Administration fails to practice what our country has always preached: that security exists only where it is mutually felt and mutually sustained.

The Administration may have squandered its historic chance to obtain a major strategic reductions agreement. I hope not. They still have a little time, and I will do everything in my power to help.

But if this President fails to strike a bargain, the next President must seek to do so—by resolving the dispute over defensive research, confirming the narrow interpretation of the ABM Treaty, and pressing the Soviets for agreement on deep reductions and more stable strategic forces.

We must also realize that if efforts to prevent nuclear war inadvertently increase the risk of conventional war, we will have shifted our problems to other grounds. An INF

treaty will still leave both sides with vast arsenals of shorter-range nuclear weapons in Europe—the weapons more likely than any others to be first used in conflict.

We and our allies recognize these weapons' dangers, but they are in Europe for a reason: The Alliance has found no other sure way to offset the overwhelming Soviet advantage in conventional armaments. That is why before we can negotiate major new constraints on tactical nuclear weapons, we need to address NATO concerns about the Soviets' underlying advantage in conventional forces.

Some fear that our only choice is a build-up of conventional forces. Others would radically change NATO strategy. They may be right. But before we spend billions more on conventional forces, we need to ask our allies whether those additional billions should come from us or from them. Before we make fundamental changes in NATO strategy, we should ask the Soviets why they need a three-to-one advantage in heavy armor. The answer is, they don't need it, and they should get rid of it.

Moreover, if our goal is to prevent nuclear war between the superpowers, we cannot succeed through arms control alone. We have to reduce tensions that could lead to war in flashpoints around the world.

We have a right to insist, for example, that the Soviets pull their troops and their puppet government out of Afghanistan, and stop underwriting international terrorism.

Even as we seek to increase cooperation, we must recognize that this cooperation must be based on American strength and American willingness to protect our vital interests.

Some in my party seem to question those interests and seem reluctant to defend them.

Some seem to believe we can have American diplomacy without ever having to use American power. I reject that naive notion.

Some seem to believe we can have a foreign policy that takes no risks. I know that isn't so.

Some seem to believe that international institutions can solve all our problems for us. And they are part of the solution, but sometimes we must act alone.

Some say we should not make a move until our allies all agree. I say that sometimes America must take a stand and lead our allies to join our cause.

For example, if we are not willing to stand up for freedom of the seas in the Persian Gulf, then where will we? If we can be frightened away by a medieval despot, then why should anyone in the world rely upon us?

For years, our nation has debated when and whether to use American military force. That debate is healthy, but there comes a time when leaders must show the courage to act.

The real threat of freedom in the world is not that America will abuse its great power, but that we might shrink from using it when it is essential.

In the end, the threat to peace involves more than the weapons of war. Even if we were to cut the number of weapons in half, and to make great progress in reducing regional tensions, we would still be left with two political systems in competition. And I believe that U.S.-Soviet relations will never truly turn the corner until we begin to take up these basic differences.

We differ with the Soviet Union about the destiny of humankind, the nature of free-

dom, the meaning of power, the limits of the state, and the concept of peace.

But General Secretary Gorbachev's efforts to restructure the Soviet economy and reinvigorate the arms control process have inspired hope that the deeply engrained pattern of fear and hostility between us might be broken.

We do not know whether the Soviets are serious about moderating the totalitarian character of their society and the coercive character of their foreign relations. But we must find out.

If the Soviet Union is truly ready for a new era, we must be prepared to join them. And we are. The American people would much prefer a peaceful competition for the friendship of other nations to a tense military rivalry.

It is at once ironic and appalling that a Soviet leader could be capturing the imagination of Europe—ironic because the Gulag still stands, and appalling because that is America's role. If the Soviet Union or any other nation feels it can best the United States in the battle of ideas, they are sorely mistaken.

Together, we and the Soviets can create a world in which competition continues, but in which we can turn our cooperative efforts to the human agenda that has been neglected for too long. Surely the time has come for both superpowers to face this basic truth. The impoverished people of the world do not need an East-West military struggle imposed upon them, draining their treasure and bleeding their fragile governments.

Let the two superpowers instead join together through the United Nations with the world community and turn our energies and resources towards peaceful purposes. Together, let us combat the diseases and dehydration that ends the lives of 40,000 children every day, clean up the oceans, save the tropical rainforests, and preserve the ozone layer that shields our planet.

Together, let us stop the spread of AIDS, comfort its victims, and find a cure. Together, let us ensure that the nuclear genie never escapes again, and that no new nation and no terrorist group acquires the deadly power of nuclear weaponry. Together, let us explore the mysteries of outer space and offer the nations of the world a living symbol of peaceful cooperation.

I am prepared to believe that Gorbachev may intend to move toward a less one-sided relationship between Soviet citizens and their government. But it is too soon to know whether he seeks a fundamental change in the nature of the Soviet state or merely a more efficient totalitarian society.

Last week, during the visit of a prominent American leader to Moscow, the Soviets challenged us to debate our version of their sins and their version of ours. In America, we know the nature of our own faults; they press always on the conscience of this country, and generate restlessness in the depths of our political life. That cannot be said for life in the Soviet Union.

As President, I will accept that challenge to debate, and take it one step further. I will propose that the leader of the Soviet Union and the President of the United States personally debate their visions of our world's future.

I will say to him: Come, Mr. General Secretary, and present your country's vision of life, your country's vision of politics, your country's vision of growth, your country's vision of human happiness and human creativity; and I will present my country's, and mine.

I will tell him that the promise of our revolution to overcome oppression and tyranny was not meant for ourselves alone, but ultimately for every citizen on earth. In the words of Thomas Jefferson, author of our Declaration of Independence and a founder of the Democratic Party, "The flames kindled on the fourth of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them."

Let the whole world see our differences and let the whole world judge. And then let us see where we can join, despite our differences, in making the world a less dangerous place, and more hospitable to prosperity and progress.

Of course, one of our best weapons in the battle of ideas will be the success of our own economic system. In order to ensure that success, it is time for us to join with our allies in a new effort to improve economic cooperation through better coordination of fiscal and monetary policies, to restart the engines of economic growth, to increase world trade, to attack the worst pockets of regional poverty in Latin America and Africa.

As developing nations turn to embrace our values, it will not do to let their people hunger for economic opportunity or political freedom. All around the world, men and women are still waging the same political struggle we fought two centuries ago on our own soil, between self-government by the many and imposed government by the few. From Argentina to the Philippines, people are throwing off tyranny for a democratic experiment.

As a revolutionary nation and a champion of liberty, we have a special duty to ally ourselves with the struggle for freedom and the promise of progress.

We cannot lead that revolution by standing timidly behind the status quo. Instead of cultivating this fertile ground of political progress and economic growth, the current Administration has focused only on how any change might tip the balance in our grand struggle with the Soviet Union.

In place of a policy of development and peace for Latin America, we have had a seven-year obsession with the Government of one small country. Because of an expeditionary force of Cubans in Angola, we serve the convenience of a racist government in South Africa. Instead of rushing to democracy's side in the Philippines, we waited almost too long for our help to matter.

But democracy in the developing world will not flourish long unless we do better. If fragile new democracies offer their people nothing more than higher food prices and lower incomes, fewer jobs and poorer health care, more austerity and no sign of prosperity, soon the democratic revolution will burn out.

Even as the United States puts its own economic house in order, we must enlist other industrial powers to join us in striking an historic compact with the developing nations on debt, economic reform, and sound environmental practices.

If we believe in democratic change, we must support the people and the institutions that can make it happen—trade unions, political parties, and the press—not prop up military governments and all-powerful elites.

If we believe in democracy, we must practice preemptive diplomacy. We cannot wait until a revolutionary crisis is upon us, and then scramble at the eleventh hour to support the democratic center.

Our nation must strive to get ahead of progress and stand at the forefront of change. The Arias Plan is a dramatic opportunity to breathe new life and hope into Central America. We shall see if the Sandinistas will help the plan take shape, and whether the left wing in El Salvador will respond to President Duarte's overtures. But in both cases, the U.S. should try to make peace work, not count on it to fail.

We are a young nation, still struggling to realize the full promise of our 200-year-old political revolution, still fighting not only to preserve its blessings for ourselves but to share its freedoms with others. As a democracy, we have a special mission—to stand for change, not reaction, and to shape the future, not live in the past.

That is what we believe as a people. That is what Democrats have stood for as a party.

I have spoken of realism tonight, not because I despair of hope, but because I believe in hope. We are a people who honor our dreams, who act on our visions. But we are also a people who scorn deception, who detest illusions. We honor our dreams by being practical about them: that is the American genius. We know that we will not build a better world except on the basis of the world we have; that there is a danger in not trying, and in trying too much; that we will achieve our goals only slowly, steadily, with a mixture of vigor and vigilance uniquely our own.

In our hunger for what is possible, we must never lose sight of what is probable. The dangers are too great, the stakes are too high, for impatience or rashness. In our foreign policy, in our defense policy, we must do two things at once: we must follow the dream and protect the dreamer. To fail at either would be to disappoint our destiny. This we shall not do.

Mr. MOYNIHAN. Finally, Mr. President, and I do not wish to detain the Senate any longer at this late hour, there is a story in today's Washington Times by Jeremiah O'Leary, who we all know to be a journalist of distinction and of long and unusually creditable service here in Washington with the Washington Star, and now with the Washington Times. The story is headed, "Reagan 'Absolutely' Believes Disinformation Misleads Hill."

The lead paragraph is that,

President Reagan "absolutely" believes Communist disinformation techniques have influenced Congress and the press, White House press spokesman Marvin Fitzwater said yesterday.

Mr. O'Leary also makes reference to a statement the President gave in an interview with Mr. Arnaud de Borchgrave, the distinguished editor of the Washington Times. The President said,

Remember, there was once a Congress in which they had a committee that would investigate even one of their own Members if it was believed that that person had Communist involvement or Communist leanings.

Well, they've done away with those committees, he continued. That shows the success of what the Soviets were able to do in this country with making it unfashionable to be anti-Communist.

He felt these were matters to be dealt with and continued to speculate on ways in which that might be done.

Mr. President, I think it is important that Mr. Reagan feels there are Communist influences here in the Congress and that we would know more about them if the Communists had not been successful in abolishing the Un-American Activities Committees.

I do not know what we will do about this, Mr. President. It is an alarming situation. The press apparently also is involved. It may be that Members on one side of the aisle or the other will find some way to respond to what he calls the phenomenon of disinformation.

Maybe they can set up a subcommittee of the National Security Council staff to address the difficulty.

In the meantime, Mr. President, I think the CONGRESSIONAL RECORD ought to contain the information that the President of the United States believes Soviet disinformation is having a powerful influence; perhaps radiating signals into this very Chamber and affecting the way we perceive the world and respond to its ever-present dangers.

Mr. President, I ask unanimous consent that the Washington Times article by Mr. O'Leary be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN "ABSOLUTELY" BELIEVES
DISINFORMATION MISLEADS HILL
(By Jeremiah O'Leary)

President Reagan "absolutely" believes Communist disinformation techniques have influenced Congress and the press, White House press spokesman Marlin Fitzwater said yesterday.

Mr. Fitzwater was responding to a series of questions at the White House by reporters following up on an interview with President Reagan by Washington Times Editor-in-Chief Arnaud de Borchgrave that was published in the paper Wednesday.

After commenting that the mere mention of Soviet targeting of parliamentary bodies triggers accusations of McCarthyism, Mr. de Borchgrave had asked Mr. Reagan, "What is to be done when two dozen pro-Marxists with real political clout can in our Congress influence great issues of defense, arms control and international security?"

"Well, Arnaud, that is a problem that we have to face," the president responded.

"Remember, there was once a Congress in which they had a committee that would investigate even one of their own members if it was believed that that person had communist involvement or communist leanings," Mr. Reagan said.

"Well, they've done away with those committees," he continued. "That shows the success of what the Soviets were able to do in this country with making it unfashionable to be anti-Communist."

"So you have to be careful in opposing them to not trigger that reaction on the part of your own people that you're depending on to support you. And it's no fun, but it is true—there is a disinformation campaign, we know, worldwide, and that disinformation campaign is very sophisticated and is very successful, including with a great many in the media and the press in America."

"And on the Hill, too?" Mr. de Borchgrave asked. "And on the Hill," the president replied.

"He was commenting on the phenomenon of disinformation campaigns and information that's untrue that becomes prominent in one way or another in this country," Mr. Fitzwater explained. "He makes no specific charges against anybody but simply points out the phenomenon that this is true."

When a reporter asked if President Reagan agreed with Mr. de Borchgrave that there are pro-Soviet agents of influence in Congress and that Congress ought to reinstitute the committees to investigate such matters, Mr. Fitzwater said, "He's agreeing with de Borchgrave in the sense of the Brezhnev Doctrine."

"He's not calling for any new organization. He's simply pointing out the historic development of communist influence in America and some of the manifestations of it," Mr. Fitzwater said.

Asked directly if the president believes there is communist influence in Congress and the media, Mr. Fitzwater responded:

"Absolutely! He believes that the communists have influence through various disinformation techniques and plans and programs, and that has influence on the Congress, on the public, on the press, on everybody."

"He's not saying that the press or Congress are agents for it," he added. "He's saying that they are subject to this influence, and it is a part of life we have to deal with."

"I don't think the press corps needs to feel its reputation has been blackened by this," Mr. Fitzwater added.

The president's spokesman refused to release a transcript of the interview, which was conducted Monday afternoon, saying, "No, it was all published in the paper."

Mr. MOYNIHAN. Mr. President, I observe no other Senators seeking recognition and, accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

UNEMPLOYMENT DIPS BELOW 6 PERCENT

Mr. DOLE. Mr. President, this morning the Labor Department announced that the unemployment rate dipped below the 6 percent level for the first time this decade.

In September alone, 132,000 new jobs were created, more than 40 percent in the manufacturing sector. The largest of these gains were in the steel and machinery industries—industries critical to a growing economy.

Mr. President, the good news on the employment front comes on top of reports that the economy has entered the 59th straight month of expansion—the longest sustained period of economic growth since World War II.

Somebody's been doing something right. I happen to believe that President Reagan, and the policies he set in motion starting in 1981, deserve a lot of the credit. There's still work to be done, still parts of the country that have not caught the wave of prosperity.

But the momentum is in the right direction. And the 132,000 Americans who found work last year, and those hundreds of thousands who have found work in past months, are living testament to the vitality and strength of the U.S. economy.

BICENTENNIAL MINUTE

OCTOBER 3, 1922 (FOR OCTOBER 2): FIRST WOMAN SENATOR APPOINTED

Mr. DOLE. Mr. President, 65 years ago tomorrow, October 3, 1922, witnessed an important "first" in the Senate's history. On that day, Rebecca Latimer Felton of Georgia became the first woman appointed to the U.S. Senate. When she was sworn in 7 weeks later, Mrs. Felton claimed three Senate "firsts." The first woman Senator, she was also entitled to the record for the shortest Senate service. One day after she took her oath, her Senate career ended. This occurred with the arrival of Walter George, who had been elected to fill the vacancy to which she had been temporarily appointed. Mrs. Felton also set the record for being the oldest person ever sworn into the Senate for the first time—she was 87 years old.

Rebecca Latimer was born in Georgia in 1835, during Andrew Jackson's second administration. She graduated with honors from Madison Female College in 1852, and 15 months later married the commencement speaker, William Felton, a Methodist minister and physician. Both husband and wife shared a strong commitment to women's rights.

The Feltons lost their sons, their farm, and their fortune during the Civil War. In 1874, Dr. Felton, running as an Independent, was elected to the House of Representatives and the couple moved to Washington, where Mrs. Felton served as her husband's secretary and wrote a weekly column for her hometown newspaper. When Dr. Felton was defeated in 1880, they returned to Georgia and began their own newspaper to push the reform measures they held dear. When William Felton died in 1909, Rebecca traveled the reformer's route alone.

As Rebecca Felton, white haired and bespectacled, entered the Senate Chamber on November 21 to take her oath, she found it overflowing with cheering women. One year after ratification of the 19th amendment guaranteeing all women the right to vote, the Nation has its first woman Senator.

TRIBUTE TO HOWARD BLAUSTEIN

Mr. D'AMATO. Mr. President, I rise today to pay tribute to a good friend and strong supporter of mine, Howard Blaustein. Although Howard was a resident of New Jersey, he had a deep and abiding concern for New York State and its people. He spent most of his formative years in Utica, NY, and attended Syracuse University.

Howard's professional life centered around New York. He was the creator of the deferred compensation program in New York State and an active participant in Ralph Lauren's Polo Enterprise, a world famous New York based organization. Howard was also an accomplished artist who had many private shows and donated many works of art to New York museums, including those located in Buffalo and the Fine Arts Museum of Long Island.

Howard Blaustein died on September 18, 1987, at the young age of 57. He was a unique, likable, and multitalented individual who will be dearly missed not only by his family, but by all of those who had the opportunity to know him and to benefit by knowing him.

I ask unanimous consent that the very touching and pointed words delivered by his rabbi, Charles A. Kroloff of Temple Emanu-El of Westfield, NJ, be included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

EULOGY FOR HOWARD BLAUSTEIN

(Delivered by Rabbi Charles A. Kroloff of Temple Emanu-El, Westfield, NJ, Sept. 20, 1987)

We gather today in a community of sorrow.

From near and far, persons acquainted with one another and some strangers to each other have come here today. Drawn together by one common bond. We loved Howard Blaustein.

In Biblical tradition, when King David died, they proclaimed: "Know ye now that a prince and a great man has fallen in Israel."

For each of us, Howard was a prince and a great man. Each of our lives has been profoundly enriched by this extraordinary individual.

What was it about Howard that drew us to him? * * * In such numbers, with such devotion?

Each of us here would probably respond to this question just a little differently. Herein lies the secret of the magnet which drew us to him.

He was so diverse: his personality was so rich, his abilities so abundant, his character so compelling.

He swept us up into his orbit of life and what a stunning experience it was to circle the world with him.

It was a world of sensitivity—one of the most sensitive I have ever known—his paintings reflected his innate grasp of form, color, style, and design.

He was a passionate lover of beauty and he shared that passion with each of us. Where he discovered beauty, he would rejoice in it. Where he did not find it, he endeavored to create it.

For Howard, the Polo world was more than a business, it was an opportunity to embrace beauty and style.

He was a superb businessman—it was a pleasure to watch his active mind explore new opportunities in which he combined his interests in commerce, finance, fashion and—most of all people.

Howard's orbit encompassed people: We are here today in such numbers and with such feeling because Howard was a man of loyalty, integrity, warmth.

His success never interfered with his human relations.

He knew he had been blessed with more than most. And he took that success as a mandate from God to share. And how he shared: Assisting countless persons in business, aiding community causes, bringing kind words to all about him. Others might criticize, but Howard would understand. Others would be depressed. Howard brought hope.

His orbit encompassed the Jewish people: Last year, he and Janelle stood on our pulpit at Temple Emanu-El for the naming of Miguel, Sandra, and Jesse.

Such pride in heritage, such commitment to serve.

We would have wished to honor him by holding this funeral at our Temple, but we could not because of renovations now underway which he generously supported.

Through Rabbi Gluck, our former Assistant Rabbi, he supported the Leo Baeck School in Haifa.

Through his generosity, he strengthened Israel and the Jewish communities of Chicago and Central New Jersey.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate.

H.R. 2530. An act to provide for the establishment of the Mississippi National River and Recreational Area, and for other purposes; and

H.J. Res. 199. Joint resolution designating April 1988 as "Actors' Fund of America Appreciation Month."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2530. An act to provide for the establishment of the Mississippi National River and Recreational Area, and for other purposes; to the Committee on Energy and Natural Resources; and

H. J. Res. 199. Joint resolution designating April 1988 as "Actors' Fund of America Appreciation Month"; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The Secretary of the Senate reported that the following bill, which had been examined and found truly enrolled was signed today, October 2, 1987, by the Acting President pro tempore (Mr. Ford):

S. 1691. An act to provide interim extensions of collections of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. 1744. A bill to amend title XIX of the Social Security Act to require plans for medical assistance under such title to disregard regular cost-of-living increases in certain benefits if the increase would have the effect of disqualifying individuals already eligible for such assistance; to the Committee on Finance.

By Mr. DODD:

S. 1745. A bill for the relief of Jose Maria Vas; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself, Mr. LEAHY, Mr. KASTEN, Mr. GRASSLEY, Mr. DURENBERGER and Mr. PROXMIER):

S. 1746. A bill to effect any reduction in net expenditures for milk price support activities required by the Balanced Budget and Emergency Control Act of 1985; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. MOYNIHAN, Mr. CHAFFEE and Mr. WALLOP):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to revise the export financing exception to the separate application of the foreign tax credit limitation to financial services income; to the Committee on Finance.

By Mr. MURKOWSKI (for Mr. DOLÉ (for himself and Mr. BYRD)):

S. 1748. A bill to prohibit the import into the United States of all products of Iran placed on the calendar.

By Mr. MOYNIHAN:

S. 1749. A bill to authorize the Smithsonian Institution to provide for additional facilities for the Cooper-Hewitt Museum, and

for other purposes; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for Mr. STEVENS (for himself and Mr. PRYOR)):

S. 1750. A bill to amend title 5, United States Code, to liberalize certain provisions authorizing reimbursement for expenses of sale and purchase of a residence upon the transfer of a Federal Employee, and to provide for the payment of certain travel and transportation expenses of civil service career appointees; placed on the calendar.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1751. A bill to require vessels to manifest the transport of municipal or other vessels nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 1752. A bill to establish a Commission to study effects of deregulation of airline industry; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. BREAUX, Mr. SYMMS, Mr. CHILES, Mr. BUMPERS, Mr. FORD, Mr. SANFORD, Mr. NICKLES, Mr. QUAYLE, Mr. KERRY, Mr. WIRTH, Mr. DOMENICI, Mr. MATSUNAGA and Mr. COCHRAN):

S. Con. Res. 81. Concurrent resolution recognizing the accomplishments of the Federal Aid in Wildlife Restoration Act in honor of its 50th anniversary; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself and Mr. HEFLIN):

S. 1744. A bill to amend title XIX of the Social Security Act to require plans for medical assistance under such title to disregard regular cost-of-living increases in certain benefits if the increase would have the effect of disqualifying individuals already eligible for such assistance, referred to the Committee on Finance.

AMENDMENT TO THE SOCIAL SECURITY ACT

● Mr. SHELBY. Mr. President, today I am pleased to be joined by my distinguished colleague Senator HEFLIN in introducing a bill that would disregard cost-of-living adjustments for Medicaid-eligible individuals residing in long-term care facilities.

Each year a number of Medicaid recipients in nursing homes become ineligible for Medicaid assistance because of Federal cost-of-living increases that raise these income levels above allowed limits. These cost-of-living adjustments can adversely impact Medicaid eligibility of people receiving Social Security, veterans' benefits, railroad retirement, civil service retirement, or a combination of these benefits.

Moreover, many of these Medicaid beneficiaries residing in nursing homes have already, out of necessity, experienced the desperate phenomenon of "spending down for Medicaid eligibility." This "spending down" is often characterized by the loss of home and all personal resources, and ultimately the complete eradication of any semblance of financial independence. While many can turn to their families for some assistance, the less fortunate, have no family to turn to or have been abandoned by their families and displaced from their communities. In most cases, incomes of these nursing home residents are not enough to cover the incredibly high cost of care.

Mr. President, from what I understand, Federal law requires Medicaid applicants and recipients to take all necessary steps to obtain any benefits to which they are entitled. Those who are due cost-of-living adjustments cannot refuse the increases to maintain their Medicaid eligibility.

Very simply, what this bill allows is a disregard of Federal cost-of-living adjustments for Medicaid recipients in long-term care facilities when such an adjustment would result in the loss of eligibility. This legislative proposal would protect the Medicaid eligibility of nursing home residents receiving any of a variety of Federal benefits or a combination of benefits.

As a member of the Special Committee on Aging, I have heard countless depictions of the terrible time many individuals and families—both young and old—endure in order to become eligible for Medicaid assistance. My bill will in a small way protect those individuals who so desperately need this assistance. I urge the support of my colleagues for this measure, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVING MEDICAID ELIGIBILITY FOR INDIVIDUALS WHO WOULD CEASE TO BE ELIGIBLE FOR MEDICAL ASSISTANCE ON ACCOUNT OF COST-OF-LIVING INCREASES IN CERTAIN BENEFITS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by redesignating the subsection (1) (added by section 3(b) of Public Law 99-570) as subsection (c) and by adding at the end the following new subsection:

"(p) In the case of an individual—
"(1) who, for a month after November 1987—

"(A) is determined to be eligible for medical assistance under a State's plan under this section, and

"(B) is receiving benefits under title II of this Act, subchapter III of chapter 83 of title 5, United States Code, sections 3 or 4 of the Railroad Retirement Act of 1974, or

chapter 11, 13, or 15 of title 38, United States Code; and

"(2) who, but for this subsection, would have become ineligible for such medical assistance in the subsequent month because of cost-of-living increases in the amount of such benefits becoming effective in such subsequent month,

for purposes of establishing the individual's eligibility for medical assistance under the plan for such subsequent month (and each month thereafter until the first month in which the individual otherwise becomes ineligible for such assistance) there shall not be included in the individual's income the amount of any such increase in the amount of any such benefits which becomes effective in or after such subsequent month."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of enactment of this Act.●

By Mr. BOSCHWITZ (for himself, Mr. LEAHY, Mr. KASTEN, Mr. GRASSLEY, Mr. DURENBERGER, and Mr. PROXMIER):

S. 1746. A bill to effect any reduction in net expenditures for milk price support activities required by the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on Agriculture, Nutrition, and Forestry.

POSSIBLE REDUCTION ON EXPENDITURES FOR MILK PRICE SUPPORT ACTIVITIES

● Mr. BOSCHWITZ. Mr. President, on behalf of Senators LEAHY, KASTEN, GRASSLEY, DURENBERGER, PROXMIER and myself I am introducing legislation that would address a problem dairy farmers have with a possible sequester under the Gramm-Rudman-Hollings "fix."

This problem is not new and was addressed by the Congress last year. This legislation is virtually identical to last year's and identical to H.R. 3344 introduced by Congressman JEFFORDS and others in the House of Representatives. I am sure that the "fix" negotiators just overlooked the dairy farmers and hope that Congress will see fit to take care of things the same way we did last year. Essentially, the legislation would allow dairy farmers to comply with sequestration orders through assessments on milk rather than price cuts.

Let me assure Senators that this is not an attempt on the part of dairy farmers to get out of sequestration cuts. Dairy farmers will contribute the same amount as everyone else in the nondefense sequesterable base—whatever that amount. What the legislation does is affect the savings in a much less painful way than outright reductions in the price support.

Reductions in the price support have to be fairly massive because Commodity Credit Corporation outlays for dairy are only impacted by the level of CCC surplus dairy purchases. The only way those outlays can be reduced under the "fix" is to reduce the price support. The problem with price sup-

port cuts is that in order to get a little in savings you have to cut the price support drastically.

For instance, assuming we get the maximum \$23 billion sequester order, dairy would have to come up with about \$75 million in savings. In order to get that savings a price support cut of about \$1 per pound would have to be enacted. Conversely, an assessment of about 8 cents would provide the same savings.

The reason for this difference is that supply and demand of dairy products is fairly well balanced today. As a result it takes a large support price cut to make much difference in the market price. Some areas will feel the price cut more than others depending on the market conditions within their region. The market price is what determines production levels and in turn determines CCC purchase levels.

In a sense, then, the positive aspects of the dairy provisions contained in the 1985 farm bill have acted to aggravate the possible consequences of a sequester order. By helping to get supply and demand back in better balance the farm bill has meant that market prices are above the support price in many areas. When that happens it is difficult to cut the support price and have it save money.

Mr. President, dairy farmers have reduced the cost of their program by about half and the huge uncommitted surplus has almost been eliminated. Let's act to prevent unnecessary hardship in dairy country by allowing dairy farmers to contribute to deficit reduction through assessments instead of price support cuts.●

● Mr. KASTEN. Mr. President, I rise today to support the legislation introduced by the distinguished Senator from Minnesota [Mr. BOSCHWITZ]. This legislation would achieve savings in the dairy price support program required by Gramm-Rudman through an assessment on all milk production.

As my colleagues are aware, Congress approved a similar assessment in the spring of 1986, at the time of the last across-the-board spending cut mandated by Gramm-Rudman. I sponsored the legislation that passed as part of a package of agricultural legislation, and that replaced a 55-cent per hundredweight cut in dairy price supports with a 12-cent per hundredweight assessment on all milk production.

There were two reasons for making this change: equity and efficiency.

Cuts in the price support level—more specifically, in the price the Government pays for cheese, butter, and nonfat dry milk purchased under the dairy price support program—impact most heavily on areas like the upper Midwest, where most milk is used to make products like cheese. Under the classified pricing system, reductions in price supports result in severe and im-

mediate cuts in the milk checks of farmers in the upper Midwest, while their impact in other areas of the country is delayed and diffused. Assessments, on the other hands, impact all dairy farmers equally.

Moreover, assessments are a more dependable means of making the desired savings in the Dairy Program. The amount of savings achieved by an assessment at a given level can be calculated with some precision. This is not true with price support cuts.

For example, assume that the dairy program will cost \$1.2 billion in fiscal year 1988—a pessimistic estimate—and that a sequester order would require an 8½ percent across-the-board spending cut. Such a sequester would require that about \$102 billion be saved in the Dairy Program.

This requirement could be met by imposing an assessment of less than 8 cents per hundredweight on all milk marketed in the United States—this assumes about 141 billion pounds of milk marketed. I would point out to my colleagues that this is less than the 12-cent assessment that was imposed under the last Gramm-Rudman sequester.

What impact would an 8½ percent cut in the effective price support level have on the Dairy Program. As of today, October 1, the price support level stands at \$11.35, the lowest it has been since the last 1970's. The Government is not buying much cheese or butter under the price support program—USDA estimates about 5 billion pounds in purchases in 1987, about two-thirds less than the amount of purchases made just two years earlier.

In economic terms, the support price is now a little lower than the market price, whereas in 1986 it was somewhat higher. A 55-cent cut in the support price was threatened by Gramm-Rudman in 1986; the cut now would be about twice that size—over a dollar, the largest single price support cut in history.

A 55-cent support cut in 1986 would have caused inconvenience to processors and hardship to many dairy farmers, especially in the upper Midwest. A cut of over a \$1 now would mean that virtually no one would be selling any product to the Government unless it were in immediate danger of spoiling. Instead of an 8½-percent reduction in the cost of the program, we would see program costs plunge by 50 percent, 60 percent, or even more.

Some of my colleagues might ask, "what is wrong with that? Isn't dairy responsible for the huge increases in commodity program costs we've seen over the last two years?"

Mr. President, the answer to this last question is no. USDA projects the Dairy Program to cost about \$1 billion—there is some additional cost due to delayed payments to Dairy Termination Program participants. By con-

trast, the feed grains program will cost \$8.4 billion in fiscal year 1988, the wheat program \$2.7 billion, the Rice Program \$800 million—and the Wheat and Rice Programs affect many fewer farmers than the Dairy Program does.

Yet producers of these commodities will see an 8½-percent reduction in their subsidies under a sequester order. Producers of peanuts and sugar, whose prices are inflated through production controls and import restrictions respectively, will receive no cut at all.

Dairy farmers have done more than their share—more than any other group of farmers—to reduce the costs of their program. They have taken four price support cuts since 1984. They have been assessed to fund a very successful whole-herd buyout program. They have been assessed to fund the National Dairy Promotion Board's campaign to increase milk consumption.

As a result of their efforts, dairy farmers have drastically reduced surplus production, and seen commercial dairy product sales increase by over 3 percent a year for the last 3 years. The cost of the price support program has fallen by more than half since 1985, while the costs of other commodity programs have risen dramatically.

Mr. President, it would be grossly unfair to repay dairy farmers for their efforts to reduce the cost of their program by killing it completely, without warning. Yet a sequester would do just that, as the law is currently written.

A modest assessment would fulfill the requirements of Gramm-Rudman with minimal adverse impact on our Nation's dairy farmers. I urge the Senate to give this idea swift and favorable consideration.●

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. MOYNIHAN, and Mr. CHAFEE):

S. 1747. A bill to amend the Internal Revenue Code of 1986 to revise the export financing exception to the separate application of the foreign tax credit limitation to financial services income; to the Committee on Finance.

REVISION OF FINANCING EXCEPTION TO SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION

Mr. ROTH. Mr. President I rise today to propose legislation which will eliminate the barriers which exist for U.S.-owned foreign banks that provide export financing for medium-sized U.S. exporters. The deterrent exists due largely to a combination of unwise and ill-considered changes made in the 1986 tax reform bill to provisions governing the U.S. tax treatment of foreign source income.

U.S. exporters finance the purchase of goods by foreign buyers by having U.S. financial institutions provide the financing. This is accomplished by the

U.S. bank lending money to the foreign buyer in exchange for the buyer's note, known as a trade receivable. This is the cross-border lending which supports U.S. exports. The problem is many countries impose a gross withholding tax on interest income which a bank earns from lending to foreign importers of U.S. goods. Since the time many years ago that the United States first imposed a tax on the worldwide income of U.S. taxpayers, banks have been permitted to take a tax credit for the full amount of the gross withholding taxes paid to the foreign government. Unfortunately the 1986 Tax Reform Act places stringent new limits on the amount of foreign tax credits which can be taken against U.S. income.

The 1986 Tax Reform Act changed the tax treatment of interest earned by U.S.-controlled foreign financial institutions in two significant ways. Generally, such interest is no longer entitled to deferral, and it is no longer permitted to be averaged with other foreign income for foreign tax credit purposes.

First, the 1986 act replaced the overall foreign tax credit limitation with a basket approach. Under the new rules, a separate foreign tax credit limitation must be computed for each basket of income. While some of the designated baskets make the traditional distinction between active and passive income, others segment certain types of active income by line of business, for example, banking, manufacturing, insurance, and so forth.

The second major change in the treatment of foreign source income was the elimination of foreign tax deferral for certain types of active income, including overseas banking activities. Previously, a foreign bank could finance the sale of export products of both related and unrelated persons and the profits therefrom would not be subject to a U.S. tax until distributed to the U.S. shareholders as a dividend.

In making these changes in the foreign tax credit and deferral, Congress provided for a limited exception to the rules for income derived from the financing of related party exports. Thus, income earned by the financial arm of a U.S. manufacturer's own exports would be exempt from the new foreign tax credit baskets and the elimination of deferral.

Unfortunately, the export finance exception is so narrowly drawn that it applies only to the financing of exports by related parties. This effectively means it applies to financing provided by foreign subsidiaries of exporters, but not the financing provided by unrelated financial institutions, the primary potential source of export financing. Worse, even among related parties, the export financing exception does not apply to the financing of in-

ventory, but only noninventory items. For example, a loan made by the foreign subsidiary of a U.S. exporter to the exporter's customer for the purpose of purchasing the exporters product would not qualify for export finance treatment, even though such a transaction would appear to lie at the heart of the export finance exception.

If related party financing of inventory items does not qualify, and unrelated party financing does not qualify, it would seem appropriate to ask, what sort of export financing does qualify? Apparently, the answer is very little, if any.

At a time when Congress is laboring to improve our Nation's trade deficit, and the competitiveness of U.S. manufacturers in world markets, we ought not be creating obstacles through the tax system that make it unprofitable for U.S. banks to provide export financing for our manufacturers. If Congress truly wants to stimulate exports, the export finance exception should be amended to cover unrelated party financing. Technically, such an amendment would permit interest earned from the financing of U.S. exports by unrelated parties—that is unrelated companies in the financial business—to continue to benefit from deferral, and to have that interest allocated to a good basket for foreign tax credit purposes.

The decline of U.S. productivity, foreign markets, savings, and investment in our infrastructure is well chronicled in the press. Our manufacturers correctly charge that this country has never recognized that our trading partners have aggressive export financing policies that make needed credit available at concessionary or highly favorable terms. For there to be a renewed interest by U.S. banks in financing exports, there must be an economic basis for it.

Trade financing is a sophisticated and often risky venture. Medium-sized companies, or even larger companies with limited export volume, either cannot or will not allocate sufficient financial and human resources to finance an export sale either directly or through a related person.

Without an unrelated party exception, even if the U.S. exporter could utilize the foreign tax credits generated by the export financing, the costs and the risks associated with the financing negate the profits from the sale. The personal costs related to employing the necessary financial specialist to structure the transactions is prohibitive for most middle-market companies. Moreover, the exporter must have the financial strength to justify carrying the account receivable on its balance sheet. In reality only a few exporters have sufficient annual export volume to justify these out-of-pocket personal expenses, and to warrant taking the associated risks.

Mr. President, the bill I am introducing today would amend the export financing provisions to exempt income derived from both related party and unrelated party export financing activities from the more restrictive foreign tax credit limitation and deferral rules. Our tax law should not include an export financing rule that discriminates against unrelated party transactions. Any benefit derived from the amendment will be directly linked to expanded export financing activities. This is because only the income derived from export activities will be eligible for the exemption from the burdensome new rules governing the foreign tax credit and deferral. This legislation will increase sales for our U.S. exporters, generating an increase in income tax revenues to the Treasury, and helping reduce our trade deficit.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF EXPORT FINANCING EXCEPTION TO SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION TO FINANCIAL SERVICE INCOME.

(a) IN GENERAL.—Clause (iii) of section 904(d)(2)(C) of the Internal Revenue Code of 1986 (relating to financial services income) is amended to read as follows:

“(iii) EXCEPTION FOR EXPORT FINANCING.—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘financial services income’ does not include any export financing interest.

“(II) EXCEPTION FOR TAXPAYER PREDOMINANTLY ENGAGED IN PROVIDING FINANCIAL SERVICES.—Subclause (I) shall not apply if the taxpayer described in subsection (a) is an entity which is predominantly engaged in the active conduct of a banking, insurance, financing, or similar business, which is a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956), or which is a subsidiary of either.”

(b) DEFINITION OF EXPORT FINANCING INTEREST.—Subparagraph (G) of section 904(d)(2) of the Internal Revenue Code of 1986 (defining export financing interest) is amended to read as follows:

“(G) EXPORT FINANCING INTEREST.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘export financing interest’ means any interest derived by an applicable taxpayer from financing the sale (or other disposition) for use or consumption outside the United States of any property—

“(I) which is manufactured, produced, grown, or extracted in the United States, and

“(II) not more than 50 percent of the fair market value of which is attributable to products imported into the United States.

“(ii) APPLICABLE TAXPAYER.—For purposes of this subparagraph, the term ‘applicable taxpayer’ means any entity which, is subject to the banking and credit laws of the United

States, a foreign country, or a possession of the United States.

"(iii) SPECIAL RULES.—For purposes of this subparagraph—

"(I) LOANS OF EXIMBANK.—The term 'financing' includes the making or purchase of, or participation in, loans made or guaranteed by the Eximbank of the United States.

"(II) FAIR MARKET VALUE.—The fair market value of any property imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1201 of the Tax Reform Act of 1986.

By Mr. MOYNIHAN:

S. 1749. A bill to authorize the Smithsonian Institution to provide for additional facilities for the Cooper-Hewitt Museum, and for other purposes; to the Committee on Rules and Administration.

ADDITIONAL FACILITIES FOR THE COOPER-HEWITT MUSEUM

● Mr. MOYNIHAN. Mr. President, I rise today to introduce the Cooper-Hewitt Renovation Act, a bill to authorize the Smithsonian Institution to renovate and construct new facilities at the Cooper-Hewitt Museum, located in New York City. The Cooper-Hewitt Museum is home to numerous exhibits of decorative arts, textiles, wall coverings, architecture, and folk art.

The Cooper-Hewitt was incorporated into the Cooper Union for the Advancement of Science and Art in 1897. Eighty years later, the Smithsonian Institution acquired the Cooper-Hewitt Museum, at once making the Federal Government responsible for its care and upkeep. It is this responsibility that I address today in introducing the Cooper-Hewitt Renovation Act.

The Cooper-Hewitt sponsors some of the Nation's most treasured design and architecture exhibitions. These have included "The Modern Spirit: Glass from Finland"; "Treasures From Hungary: Gold and Silver From the Ninth to the Nineteenth Century"; and "Memphis/Milano." Lasting reminders of these collections are embodied in the 21 catalogs printed for them which continue to educate many people long after the exhibition ends.

The exhibits and collections at the Cooper-Hewitt are remarkable indeed. That is why it is essential that we properly maintain this, our most prominent museum of design. This bill provides \$15 million of a \$30 million project for the revocation and improvement of facilities at the Cooper-Hewitt Museum. The remaining \$15 million in funds will be raised from private sources.

To see this museum—an inspiration for young designers and architects everywhere—crumble due to lack of

funds would indeed be grave loss to our country. A loss we can prevent by supporting this bill.●

By Mr. MURKOWSKI (for Mr. STEVENS) (for himself and Mr. PRYOR):

S. 1750. A bill to amend title 5, United States Code, to liberalize certain provisions authorizing reimbursement for expenses of sale and purchase of a residence upon the transfer of a Federal employee, and to provide for the payment of certain travel and transportation expenses of civil service career appointees; placed on the calendar.

REIMBURSEMENT OF CERTAIN EXPENSES OF SALE AND PURCHASE OF A RESIDENCE UPON TRANSFER OF A FEDERAL EMPLOYEE

(Mr. MURKOWSKI submitted the following statement on behalf of Mr. STEVENS.)

● Mr. STEVENS. Mr. President, today, I am introducing legislation to correct an inequity in the current law dealing with the reimbursement of relocation expenses for Federal civilian employees who are transferred to overseas locations and for career Senior Executive Service employees who are relocated by the Government.

Current law authorizes reimbursement of certain expenses, primarily brokerage fees, incurred from the sale and purchase of a home for Federal civilian employees who are transferred and the old and new duty stations are located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations pursuant to the Panama Canal Treaty of 1977. Employees transferred overseas, then back to the United States are not covered by this law. This often results in serious financial hardships for Federal employees who are transferred to an overseas duty station and who upon completion of their overseas tour are transferred to duty stations in the United States other than the one from which they originally departed. In a letter, March 30, 1987, to the President of the Senate, the General Accounting Office outlined for us the seriousness of this problem, and recommended legislative relief. According to the GAO, the impact on the Federal budget would be minimal and would correct the current inequity for those who serve our Government in foreign posts.

Mr. President, employees reassigned from the United States to an overseas location, and back to the United States, but not to the same area from which they departed, face the same home sale and purchase problems faced by employees relocating within the United States. Yet they receive none of the expense reimbursement authorized for their coworkers who move within the United States but who do not accept foreign assign-

ments. This problem is acute for the Drug Enforcement Agency and other law enforcement agency personnel assigned overseas, as well as for Department of Defense civilian employees who routinely accept foreign assignments.

This bill would permit Federal agencies to provide the same reimbursements already authorized in law for employees moving within the United States, to employees who transfer from an overseas post to a different duty station in the United States, than the one they left before transferring overseas. Employees who are reassigned overseas and then back to a different U.S. location are, in effect, undergoing an interrupted relocation from one official station within the United States to another. This bill would not apply to the Foreign Service which, because of the special nature of its mission and responsibilities, operates under different statutes and regulations.

Mr. President, section 2 of this bill would correct another inequity. Currently, military and Foreign Service personnel who are relocated by the Government during their Government service are reimbursed, upon retirement, for the costs of their last move home. This bill would allow retiring career Senior Executive Service employees who have been geographically relocated by the Government during their civil service careers, reimbursement for travel and transportation expenses of the employee and his or her immediate family to a place of residence other than their last official duty station. The law allows an agency to move these employees at the agency's discretion. It should also provide for a final move home when the employee has moved in the Government's interest and is retiring from Federal service.

In addition to the equity issue, there is some evidence that we are losing many highly skilled and experienced careerists. Senior executives who have 25 years of Government service—or are age 50 with at least 20 years of service—when asked by the Government to relocate will frequently opt for a discontinued service retirement at a reduced annuity, rather than leave the place where they and their families have settled. The prospect of uprooting and then shouldering the expense of returning in a relatively short time outweighs their desire to continue in Government service. Providing these experienced individuals in the senior ranks of the Federal Government with last-move-home benefits would remove a serious financial disincentive to continuation of their careers. Additionally, I am told by agencies that they have had very talented employees who have refused to join the SES because there is no way of re-

turning to their preferred place of residence at retirement, except at their own expense. It is particularly true of employees who are moved to high cost areas like Washington. Using the criteria that the SES employee must have previously relocated in the interest of the Government and must be eligible for retirement, it has been estimated that an average of 200 employees per year, Governmentwide, may be eligible for the last move home.

Mr. President, we should not be placing financial hardships on these employees by asking them to pay their own expenses when they move in the interest of the Federal Government. I urge my colleagues to support this important legislation. ●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1751. A bill to require vessels to manifest the transport of municipal or other nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea; to the Committee on Environment and Public Works.

SHORE PROTECTION ACT

Mr. LAUTENBERG. Mr. President, one of New Jersey's most valuable resources—our beaches—have steadily deteriorated in the face of our inability to control the uses and abuses of our shoreline.

Day after day tides of debris have washed up on New Jersey shores despite laws to prevent ocean dumping and to control the disposal of municipal and commercial waste.

People have been blind in their faith that these laws would be obeyed and they have been deceived. It is time for this to end.

Today I am introducing legislation that does not rely on the good will and judgment of those who transport waste. The bill I am introducing today establishes a tracking system for the transport of all municipal and commercial waste transported by vessel.

There will be no more excuses for floating debris on New Jersey's or any other States' beaches.

The bill will accomplish four major things. First, no vessel—public or private—could be used to transport municipal or commercial wastes unless that vessel has a permit. A simple permit, that only requires identification of the boat's owner, mooring location, serial number and primary use. Nothing burdensome for the owner, yet something that would allow us to determine just how many vessels transport this material and who owns them.

Second, each and every shipment of the material would be accompanied by a manifest. Again, nothing fancy, but something to ensure that everything loaded onto the boat gets unloaded at the disposal site, not along the way. The way things operate now, it seems

some transporters have the attitude that a ton here, a ton there, who's to know the difference?

Third, the bill will require the vessel operator and the disposal facilities operators to undertake a basic level of care in loading and unloading the vessels. Currently, there are no restrictions on how high the trash is piled or requirements that it be covered. The bill requires that all of the material be safely loaded and secured during transport.

Because we must search for even more effective measures, the bill also requires EPA and the Coast Guard to conduct concurrent studies on measures to upgrade these requirements.

As chairman of the Transportation Appropriations Subcommittee, I have asked the Coast Guard, in our appropriations bill, to conduct a pilot program to test the effectiveness of tracking devices on garbage-carrying vessels. This pilot program will provide both EPA and the Coast Guard with critical information to make determinations about whether more effective measures are required and what those measures should be.

The bill I am introducing today requires the Coast Guard to assess which tracking devices would be most effective for garbage-carrying vessels. It also requires EPA to make a determination about the appropriate role of these devices in the enforcement scheme. These two studies plus the pilot tracking program will give us all of the information we need to move ahead swiftly.

I believe this bill fills a critical gap in our system. It establishes a mechanism to ensure that wastes will not "drift" into our waters and creep onto our shores unnoticed.

I cannot overemphasize the importance of this legislation as we move into an era of steeply rising disposal costs and increasing population. We must be prepared to stem the growing temptation to use our oceans as a cheap and convenient dumping ground.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1751

SHORT TITLE

SECTION 1. This Act may be cited as the "Shore Protection Act of 1987."

TITLE I—VESSEL IDENTIFICATION

DEFINITIONS

SEC. 101. As used in this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency, unless indicated otherwise.

The term "manifest" means the form used in identifying the quantity, general composition, origin, routing and destination of the waste.

(3) "municipal or commercial wastes" includes, all wastes covered by Subtitle D of

the Solid Waste Disposal Act. This shall include any garbage, refuse, or other discarded material.

(4) "Person" means an individual, trust, firm joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating, unless indicated otherwise.

(6) "type of waste" should describe whether the waste is municipal garbage, commercial waste or other type of waste.

(7) "United States" includes the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam and Northern Mariana Islands.

(8) "vessel" refers to any commercial or municipal vessel used for the transport of waste, dredged material, sand, gravel or debris of any kind. This specifically includes any vessel used for towing another vessel that contains the garbage.

(9) "vessel operator" describes the person primarily responsible for the operation of the vessel.

(10) "waste source" describes the location by title and address of operation where the waste material was loaded on to the vessel.

(11) "waters under the jurisdiction of the United States" means—

(A) the waters of the United States, including the territorial sea, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured.

VESSEL IDENTIFICATION NUMBERS

SEC. 102. (a) No vessel may be used by any person to carry any type of Subtitle D municipal or commercial waste for any purpose within the waters under the jurisdiction of the United States without first obtaining a vessel identification number for that vessel from the Environmental Protection Agency.

(b) Application for the vessel identification number required by subsection (a) shall contain the following information:

(1) the name, address and phone number of the vessel owner(s);

(2) the vessel's name and registration number;

(3) the vessel's primary port and marina;

(4) the vessel's transport capacity;

(5) a history of the types of cargo carried by that vessel during the previous year;

(6) signed certification that all of the provided information is accurate by the vessel owner.

(c) The permit must be renewed at least every five years and at any time that the vessel changes ownership. No new owner may operate the vessel using the permit filed by the previous owner.

(d) EPA is authorized to collect up to \$1,000 from the vessel owner/operator to cover the issuance and maintenance of vessel identification numbers and to record shipment transactions by maintaining records of the vessel's manifests.

(e) 180 days after enactment no vessel may carry municipal or commercial wastes unless a permit has been obtained for that vessel at least 30 days before the transport of such wastes takes place.

SEC. 103. The Environmental Protection Agency shall issue permits defined under Section 102(a) within 30 days after receiving a complete application.

TITLE II—WASTE TRACKING SYSTEM WASTE MANIFEST

SEC. 201. (a) A manifest must be completed for all Subtitle D municipal or commercial wastes transported by vessel.

(b) This manifest shall include:

- (1) wastes source;
- (2) volume of the waste at loading;
- (3) general type of waste;
- (4) waste destination;
- (5) volume of the waste ultimately deposited at the disposal facility;
- (6) Signature lines for the owner/operator of the vessel, the waste source and waste disposal facilities;
- (7) vessel identification number;
- (8) description of waste containment measures; and
- (9) such other information as the administrator shall deem necessary.

(c) The owner/operator of the vessel is required to:

- (1) complete, sign and date the manifest form;
 - (2) provide one copy to the waste source operator, carry two copies with the waste during transport and provide one of those remaining copies to the operator of the waste receiving facility;
 - (3) certify the delivery of the wastes to the waste disposal facility, the accuracy of all information on the form; and
 - (4) return one completed copy of the manifest form to the Environmental Protection Agency regional office.
- (d) The owner/operator of the disposal facility is required to return the second copy of the manifest for all wastes received at the disposal site on a weekly basis to the Environmental Protection Agency regional office.
- (e) The owner/operator of the waste source facility is required to return the third copy of the manifest for all shipped wastes on a weekly basis to the Environmental Protection Agency regional office.

TITLE III—WASTE HANDLING PRACTICES

SEC. 301. (a) The owner/operator of the waste source facility shall ensure that all waste material is loaded onto the vessel and that no debris is deposited in the water.

(b) The vessel owner/operator shall ensure that all material loaded onto the vessel is properly secured by netting or other means which will ensure that the waste will not be deposited into the water during the unloading operations or during interment into the landfill.

(c) The disposal facility owner/operator shall ensure that all waste material is off-loaded in a manner which ensures that no debris is deposited into the water during the unloading operations or during interment into the landfill.

(d) The loading and unloading facilities are required to provide adequate control measures to collect any material that is accidentally deposited into the water.

TITLE IV—ENFORCEMENT

SEC. 401. It shall be the responsibility of each Federal department, agency, or other instrumentality of the United States to assist in the administration of this Act, including the reporting of violations to EPA and conducting investigation with respect thereto, including the United States Coast Guard, National Oceanic and Atmospheric

Administration, Department of Interior, and Environmental Protection Agency.

CIVIL PENALTIES

SEC. 402. (a) Effective 120 days after enactment, any person who violates any Section of this Act shall be liable to the United States for a civil penalty. The Secretary of the Department in which the Coast Guard is operating, the Secretary, the Secretary of Commerce or the Administrator may assess penalties for violations of Title I, II or III. Up to one half of such penalties may be paid to the person or persons giving information leading to the assessment of such penalties.

(b) The Administrator or the Secretary may assess a penalty of up to \$5,000 for any violation of Section 102. This penalty may be doubled for second violations. Before issuing an order assessing a penalty, the person assessed such penalty must be given written notice of the proposal to issue such order and the opportunity to request, within thirty days of the date such notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(c) The Administrator or the Secretary may assess fines up to \$5,000 for violations of section 201 (a), (b) and (c). This penalty may be doubled for the second violation. Before issuing an order assessing a penalty, the person assessed such penalty must be given written notice of the proposal to issue such order and the opportunity to request, within thirty days of the date such notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(d) The Administrator or the Secretary may assess penalties of up to \$2,000 for each violation of section 201 (d) or (e). This penalty may be doubled for the second violation, tripled for the third violation, and quadrupled for the fourth violation. Before issuing an order assessing a penalty, the person assessed such penalty must be given written notice of the proposal to issue such order and the opportunity to request, within thirty days of the date such notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(e) The Administrator or the Secretary may assess penalties of up to \$5,000 for any single violation of title III. This penalty may be doubled for the second violation, tripled for the third violation. Before issuing an order assessing a penalty, the person assessed such penalty must be given written notice of the proposal to issue such order and the opportunity to request, within thirty days of the date such notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(f) The Administrator has the power to revoke the vessel identification number in any instance where egregious or multiple violations have taken place. Before such action becomes final, the vessel owner must be given 30 days notice and opportunity for

a hearing. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide reasonable opportunity to be heard and present evidence.

(g) In the case of persistent violators, a facility or operator with five or more separate violations within a six month period, EPA is directed to conduct an investigation of the facility or operator. This shall not be construed to limit EPA's ability to investigate or revoke vessel identification numbers in instances where egregious violations have taken place. Once such investigation is completed EPA may file suit in a federal court to collect civil penalties up to \$25,000 per violation, to prevent further operation of the facility, and/or other equitable relief.

(h) In determining the amount of a civil penalty, the nature, circumstances, extent and gravity of the violation or violations, and with respect to the violator, ability to pay, effect on ability to continue business, the economic benefit resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require shall be taken into account.

(i) Any civil penalty which may be imposed under this section, may be compromised, modified, or remitted, with or without conditions. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged.

(j) Any person who requested a hearing respecting the assessment of a civil penalty may file a notice of appeal, in the United States District Court for the District of Columbia, or in the district in which the violations are alleged to have occurred. Such notice may only be filed within the thirty-day period beginning on the date the order making such assessment was issued. Such notice must also simultaneously be filed with the Secretary of the Interior, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, or the Administrator, as the case may be, and the Attorney General.

(k) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file for judicial review of the order in accordance with subsection (j) of this section, or

(2) after a court in an action brought under subsection (j) has entered a final judgment in favor of the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, the Secretary of the Interior, or the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates) from the date of the expiration of the thirty-day period referred to in subsection (j) or the date of such final judgment, as the case may be, in an action brought in any appropriate district court of the United States. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

CRIMINAL PENALTIES

SEC. 403. (a) Effective six months after enactment, any person that shall willfully and knowingly violate, or that shall willfully and knowingly aid, abet, authorize, or instigate a violation of title I, II or III, upon conviction for such violation, in addition to or in lieu of any civil penalty that may be imposed under section 104, shall be fined not more than

\$50,000 or imprisoned for not more than three years, or both. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(b) The United States Sentencing Commission in establishing guidelines for sentences under this section shall take into account the nature, circumstances, extent, and gravity of the violation, and with respect to the violation, ability to pay, effect on ability to continue business, economic benefit resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require.

(c) This section shall be carried out with respect to foreign ships consistent with the obligations of the United States under international law.

(d) Courts shall not apply the penalty of imprisonment in this section to United States ships for acts for which such a penalty cannot be imposed on foreign ships consistent with the obligations of the United States under international law.

TITLE V—EPA RESPONSIBILITIES

SEC. 501. (a) The Administrator shall propose and make available for comment the manifest form, including all of the items specified in Section 201(a), within 45 days after enactment.

(b) The Administrator is required to propose and make available for comment an application form for the vessel identification number including all of the elements specified in Section 101(a) within 30 days.

(c) The Administrator must make both the manifest and the permit applications publicly available within 60 days after completion of the comment period.

(d) The Administrator is required to issue or deny permits for all applicants within 30 days of application. EPA must also maintain a record of all permits.

(e) Within 180 days of enactment, the Administrator must establish a system to maintain permit records, receive the completed manifests and ensure that the waste volume loaded for transport corresponds with the waste volume ultimately disposed of at the disposal facility.

TITLE VI—TRACKING STUDY

SEC. 601. (a) Within 18 months of enactment, the Administrator is required to undertake a study to determine the effectiveness of additional tracking systems for vessels to ensure that nonhazardous municipal and commercial waste is not disposed of at sea or in coastal waters. In conducting this study, EPA will use the data collected from its permitting activities and from the data completed under Section 201(d) and (e). The report must make a recommendation on whether additional tracking mechanisms are needed. This study shall be completed within 24 months after enactment.

(b) Within 18 months of enactment the Secretary shall undertake a study of the various tracking systems that might be applicable to vessels carrying nonhazardous municipal or commercial waste. The study shall consider the relative effectiveness of various systems and the relative costs of the systems both to the federal government and to the vessel owner. Within 24 months, the Secretary shall have completed this study.

TITLE VII—COAST GUARD RESPONSIBILITIES

SEC. 701. (a) The Secretary shall ensure that periodic checks are made of vessels operating under this Act transporting garbage, municipal waste, and commercial wastes to

determine that each of these vessels carries the appropriate permit as described in Section 102(b) and the manifest required by Section 201(a).

(b) The Secretary shall ensure that any vessel seen leaving coastal waters carrying municipal or commercial waste is in compliance with the provisions of this Act, the Marine Protection, Research and Sanctuaries Act, the 1899 Refuse Act, the Clean Water Act and the Solid Waste Disposal Act.

(c) Any discrepancies found by the Coast Guard in the vessels' permit or manifest shall be reported to EPA for potential enforcement action.

(d) Should the Administrator determine that tracking devices or satellite surveillance is required to ensure adequate enforcement of laws preventing coastal or ocean dumping the Secretary shall issue regulations to require installation of the appropriate devices within 18 months after EPA completes its report.

TITLE VIII—RELATION TO OTHER LAWS

SEC. 801. (a) Nothing in this Act may be interpreted or construed to supersede or preempt any other provisions of Federal or State law.

(b) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional requirements.

(c) Nothing in this Act shall affect or otherwise impair the rights or obligations of any person under Federal, State, or common law.

TITLE IX—AUTHORIZATION

SEC. 901. There are authorized such funds as may be necessary to support the provisions of this bill.

TITLE X—SAVINGS CLAUSE

This act does not preclude action by any person, state or local authority against transfer station, waste generators, waste disposal facilities or waste transporters for violations of this act.

By Mr. BAUCUS:

S. 1752. A bill to establish a commission to study effects of deregulation of airline industry; to the Committee on Commerce, Science, and Transportation.

COMMISSION ON THE EFFECTS OF DEREGULATION ON AIR TRAVEL

● Mr. BAUCUS. Mr. President, the Senate soon will be considering legislation that reauthorizes the airway trust fund and creates further consumer protections for airline passengers.

These are important pieces of legislation. But they don't address the real problems. The real problem is that airline deregulation isn't working, especially for Americans who live outside a handful of major cities.

It's time to face up to this fact, and begin considering how we can improve the operation of airline transportation in this country. In order to get this process underway, I am introducing legislation to establish a commission to study the effects deregulation has had on air travel. The Commission will recommend improvements necessary to provide better quality service to all regions of the country.

AIRLINE DEREGULATION OVERALL

In 1978, Congress passed the Airline Deregulation Act, which virtually ended Government control of the airlines. Some of us were concerned that deregulation would discriminate against rural America, and voted against it. But we were in the distinct minority.

Deregulation was supposed to spur competition, enhance productivity and reduce prices. The initial results, Mr. President, were impressive: The number of scheduled carriers nearly tripled. Fares fell 13 percent on the average. The proportion of travelers flying on low cost discount fares rose from 48 to 80 percent by 1982.

MOUNTING CONCENTRATION

For some time, however, evidence has been mounting that shows a dramatic reversal of this trend. Many experts believe this reversal is due in large part to increasing concentration in the industry. Since 1980, the Reagan administration has approved 38 airline mergers and acquisitions. These mergers and acquisitions have created a highly concentrated, non-competitive industry. Today, the 8 largest carriers control 94 percent of the market. This is an increase of 21 percent since 1979. The hub and spoke system has allowed our major airports to become dominated by one or two carriers, resulting in enormous barriers to entry for other airlines.

In addition, consumers are being forced to tolerate flight delays or cancellations, baggage losses, and unreasonable or inconvenient scheduling. According to the Department of Transportation's most recent Air Travel Consumer Complaint Report, there were 7,280 airline delay and baggage loss complaints received by the Department in August 1987, compared to 1,236 in August 1986. This represents an increase of almost 500 percent.

RURAL AND SMALL COMMUNITIES

In October 1986, I held a hearing in Great Falls, MT, on the effects of airline service on Montana's economy. Also, last February, I held a hearing in the Rural Economy Subcommittee, which I have the privilege of chairing, to focus on general problems facing small businesses in rural America. The hearings produced valuable information about forces that are undermining rural economies.

One fact became clear: Without high quality and efficient air service, rural and small communities in America stand little chance of coming out of their current depression and prospering. Quality air service is vital to these communities' ability to compete with more populated urban centers in such areas as tourism, Federal and private investment possibilities, and product and service exports. Most experts believe that air service to these areas will

only worsen in the near future. Mr. President, rural and small communities deserve a chance to compete for economic development. Under our current air transportation system, they're not getting it.

Before deregulation, Congress provided for a national airline system and required that communities important to the national system, but not capable of generating clearly profitable customer loads, should be served and supported by higher density markets. The 1978 Deregulation Act recognized that many of these communities would be dropped abruptly so Congress provided for the Essential Airline Service to subsidize rural and small communities.

Even with Essential Air Service, however, the rural air service experience has deteriorated significantly since deregulation. In addition to the problems I have already cited, major carriers providing service to rural and small communities reduced or eliminated service to these markets during the first years of deregulation. Their place was often taken by regional carriers, but in some cases was not taken by anyone. A General Accounting Office study found that between 1978 and 1984, the airlines dropped scheduled service to 91 small cities and towns in favor of higher density routes. Where service was not dropped, the large jet carriers that previously had served these areas were replaced by commuter or regional airlines which often use turboprop planes, and often at higher fares.

Rural and small communities have not benefited from ticket rate wars that have led to a decrease in airfares between large traffic-generating points but have, instead, experienced rate increases. As a result, it is often more expensive for passengers from rural communities to make the connecting flight to a major airport than it is to make a long trip between major airports.

THE COMMISSION

Mr. President, clearly airline deregulation is not an unmitigated success story. I believe Congress has a responsibility to ensure that the effects of airline deregulation are studied thoroughly, that its benefits are preserved, and that solutions are found to solve its problems. That is why I am introducing this legislation today. I believe it is a reasonable step to finding those solutions.

My legislation would establish a commission to make a complete study of a number of areas.

First, the Commission would make a thorough analysis of the impact of deregulation on service, consumers, competition and the work force, with a particular focus on rural and small communities.

Second, the Commission would evaluate the effectiveness of the essential

air service program and examine alternatives for improved service to the rural and small communities.

Third, the Commission would study the effect of deregulation on rural States' abilities to compete with other more populated States in such areas as tourism, private and Federal Government investment, and product and service exports.

I want to mention, Mr. President, that the Commission I am proposing today purposefully would not address the effects of airline deregulation on safety. Although it is apparent that airline safety is another major area that has been jeopardized as a consequence of deregulation, Senator BYRD, last year, sponsored legislation that establishes a special commission to study the safety problem in its entirety. The Commission I am proposing today would complement the Byrd Commission's efforts and not be duplicative.

CONCLUSION

I look forward to working with my colleagues on this important matter. Not only must we thoroughly assess the effects of airline deregulation on air travel overall, but we must assume responsibility for ensuring that rural and small communities do not continue to bear the brunt of problems associated with deregulation. The Commission established by this legislation would assist us in achieving this goal.

Mr. President, I have discussed the air deregulation problem with Senator HOLLINGS. I am pleased to say that he not only recognizes the problems but also is going to have the Commerce Committee hold hearings on them. I know my bill will receive full consideration from both Chairman HOLLINGS and all of the members of the Commerce Committee.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) There is hereby established the Commission on the Effects of Deregulation on Air Travel (hereafter in this section referred to as the "Commission").

(b)(1) The Commission shall be composed of 18 members as follows:

(A) 6 members appointed by the President in accordance with paragraph (2)(A),

(B) 6 members appointed by the President pro tempore of the Senate from Members of the Senate in accordance with paragraph (2)(B), upon the recommendation of the majority leader or the minority leader of the Senate with respect to members appointed from the political party of that leader, and

(C) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives in accordance with paragraph (2)(B).

(2)(A) The President shall appoint as members of the Commission under para-

graph (1)(A) individuals who are especially qualified to serve on the Commission due to the education, training, or experience of such individuals. Of the members appointed by the President under such paragraph—

(i) at least 5 members shall be individuals who are not officers or employees of the United States,

(ii) at least 1 member shall be a representative of air carriers,

(iii) at least 1 member shall be a representative of a labor organization,

(iv) at least 1 member shall be a representative of consumer interests,

(v) at least 1 member shall be a representative of State Government, and

(vi) not more than 3 members shall be members of the same political party.

(B)(i) In appointing members to the Commission, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give special consideration to the appointment of Members of the Senate or the House of Representatives, as the case may be, who are members of the committees of their respective Houses which have legislative jurisdiction over, or special concerns with respect to, matters relating to air transportation.

(ii) Not more than 3 members of the Commission appointed under paragraph (1)(B) shall be members of the same political party, and not more than 3 members of the Commission appointed under paragraph (1)(C) shall be members of the same political party.

(3) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) Members of the Commission shall be appointed to serve for the life of the Commission.

(5)(A) Each member of the Commission appointed under paragraph (1)(A) who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without additional compensation.

(B) While away from their homes or regular places of business in the performance of services for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5702 of title 5, United States Code.

(6) The President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall make their appointments to the Commission within the 45-day period following the date of the enactment of this Act. The Chairman shall call the first meeting of the Commission within 60 days following the date of the enactment of this Act.

(c)(1) Nine members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and Vice Chairman of the Commission shall be jointly selected by the Speaker of the House of Representatives and the President pro tempore of the Senate.

(3) After the first meeting, the Commission shall meet at the call of the Chairman or a majority of its members.

(d)(1) The Chairman of the Commission, in consultation with the Vice Chairman, and without regard to the civil service laws, rules, and regulations, is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions.

(2) Any Federal employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at daily rates of compensation for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(e)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out the provisions of this section. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission, except that this section does not apply to matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(f)(1) The Commission shall study and make recommendations concerning the impact of a deregulated airline industry on the Federal Government's goal of promoting development of an air transportation industry that provides quality service to all regions of the country appropriate to support their needs for continued growth and development.

(2) Such a study shall include, but not be limited to, a thorough analysis of the impact of deregulation on service, consumers, competition, and the work force, with specific emphasis on the impact on rural communities, and consideration of the past and prospective effects overall and by region of air deregulation and other significant contemporary influences on air service in the United States, in each of the following areas:

(A) basic service—including the number of flights available, the number of seats available, the scheduling of flights, continuity of service, the number of markets being served by large and small airlines, availability of nonstop service, and availability of direct service;

(B) consumer protection—including the number of economic cancellations, the

number of flight delays, the magnitude of baggage loss and damage, fare prices and their relation to cost of operation, jet v. propeller use, deceptive advertising, notice of flight changes, the ability of consumers to choose between competitive carriers when one carrier dominates an airport, overbooking of flights and bumping of passengers, time delays for ticket refunds, provision of lodging for passengers of cancelled flights, and penalties for changing flight plans;

(C) competition—including marketing alliances between major carriers and regional carriers, computer reservation system scheduling of major carriers and regional airlines, computer reservation system billing and contracting practices, antitrust aspects of the computer reservation system, code-sharing among airlines, barriers to entry for large and small airlines, landing slot and ground facility availability at hubs for high and low passenger flights, airport capacity, concentration of market power by an airline at an airport, the relationship between a market dominant airline and the airport operating authority, airline mergers, market share of large versus small airlines, frequent flier and other promotional programs, noise constraints, and the ability of small carriers to acquire financing necessary to operate;

(D) work force—including wage levels, employment totals by occupation and position, productivity levels, labor costs, available benefits, labor management relations, union and nonunion employment, training, experience, hours of work, who are the "winners" and who are the "losers", retraining and readjustment program availability, displaced workers' experiences with future employment and earnings, past, present and anticipated future difficulties.

(3) The Commission shall study—

(A) the effectiveness of the essential air service program and examine alternatives for improved service to rural areas. The alternatives considered by the commission shall include, but not be limited to, partial deregulation, expansion of the essential air service program, subsidized flights outside of the essential air service program, and making larger jets available; and

(B) the effect deregulation has on rural States' abilities to compete with other, more populated States. Specifically, the Commission shall study the effect of deregulation on (i) tourism in rural States, (ii) the attractiveness of rural States for private and Federal Government investment, and (iii) the cost of product exports from rural States to other areas.

(4) In conducting such a study, the Commission shall consult with a broad spectrum of representatives of the aviation industry and aviation consumer groups, including: (A) representatives of the commercial aviation industry; (B) independent experts on the aviation industry, including the rural aviation industry; (C) former administrators of the Administration and representatives of civil aviation; and (D) members of the Aviation Safety Commission.

(g) REPORTS.—On or before the expiration of the 12-month period following the date of the first meeting of the Commission, the Commission shall transmit to the President and to the Congress a final report containing a detailed statement of the study conducted by the Commission under this section and the recommendations of the Commission for legislative or other actions the Commission considers appropriate. The Commission may issue such interim reports as it determines appropriate.

(h) The Commission shall terminate upon the expiration of the 60-day period follow-

ing the date of the submission to the President and the Congress of the Commission's final report.

(i) AUTHORIZATION.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this section.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 794, a bill to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs.

S. 797

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 797, a bill to require the Attorney General to collect data and report annually about hate crimes.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1184

At the request of Mr. FORD, the name of the Senator from Connecticut [Mr. DONN] was added as a cosponsor of S. 1184, a bill to amend the Airport and Airway Improvement Act of 1982 to improve the safety and efficiency of air travel, and for other purposes.

S. 1188

At the request of Mr. SYMMS, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of S. 1188, a bill to amend the Internal Revenue Code of 1986 to allow certain associations of football coaches to have a qualified pension plan which includes cash or deferred arrangement.

S. 1374

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1374, a bill to provide for a comprehensive program relating to acquired immune deficiency syndrome.

S. 1475

At the request of Mr. MELCHER, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1475, a bill to establish an effective clinical staffing recruitment and retention program, and for other purposes.

S. 1561

At the request of Mr. BOND, the names of the Senator from Kentucky [Mr. McCONNELL] and the Senator

from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1561, a bill to provide for a research program for the development and implementation of new technologies in food safety and animal health, and for other purposes.

S. 1600

At the request of Mr. FORD, the name of the Senator from Arizona [Mr. DeCONCINI] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1704

At the request of Mr. MELCHER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1704, a bill to authorize the establishment of the Lewis and Clark National Historic Site in the State of Montana.

SENATE JOINT RESOLUTION 188

At the request of Mr. SARBANES, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. D'AMATO], the Senator from Texas [Mr. BENTSEN], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. DODD], the Senator from North Dakota [Mr. BURDICK], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. GORE], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week."

SENATE CONCURRENT RESOLUTION 81—RECOGNIZING THE ACCOMPLISHMENTS OF THE FEDERAL AID IN WILDLIFE RESTORATION ACT IN HONOR OF ITS 50TH ANNIVERSARY

Mr. MITCHELL (for himself, Mr. BREAUX, Mr. SYMMS, Mr. CHILES, Mr. BUMPERS, Mr. FORD, Mr. SANFORD, Mr. NICKLES, Mr. QUAYLE, Mr. KERRY, Mr. WIRTH, Mr. DOMENICI, Mr. MATSUNAGA, and Mr. COHEN) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 81

Whereas the Federal Aid in Wildlife Restoration Act (commonly known as the "Pittman-Robertson Act") was signed into law on September 2, 1937, and is regarded as a model of effectiveness and efficiency among programs under which Federal grants are provided to the States;

Whereas the manufacturers, importers, and buyers of sporting arms and ammunition, archery equipment, and handguns have jointly supported the levying of the excise tax on those products to finance the Pittman-Robertson Act program;

Whereas the excise tax has generated more than \$1,750,000,000 for national wildlife restoration over the past 50 years without cost to the general taxpayer;

Whereas except for the money deducted for the administrative costs of the program (which costs are normally less than the 8 percent deduction permitted by law), all monies generated by the excise tax are allocated among the States under a formula based on the relative size of the States and number of licensed hunters;

Whereas although the State restoration projects that are financed through the Pittman-Robertson Act program must conform to Federal standards of quality and substance, the projects are selected, designed, and implemented by the States, where needs are best determined;

Whereas with the assistance of Pittman-Robertson Act program, the States have—

(1) developed and applied management measures that have helped reverse the slide toward extinction of numerous species, including the antelope, beaver, wood duck, white-tailed deer, giant Canada goose, elk, black bear, cougar, and wild turkey;

(2) provided annual training in safety, wildlife and outdoor ethics for more than 700,000 first-time hunters; and

(3) purchased more than 6,400 square miles (4.1 million acres) of land for wildlife management purposes and have negotiated agreements to participate in the management of lands exceeding 10 times that area;

Whereas although hunters and shooters are the sole source of Pittman-Robertson Act program moneys, the nonhunting use of the lands acquired or managed under the program exceeds hunting use by nearly three times, and non-hunted species (including endangered species) are regular beneficiaries of the management measures implemented under the program for hunted species;

Whereas the Pittman-Robertson Act, by creating a nationwide demand for trained scientists to carry out research regarding, and to manage, wildlife, has been a major force in the establishment of wildlife management as a profession and science: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the accomplishments of the Federal Aid in Wildlife Restoration Act in enhancing, during the past 50 years, the knowledge, conservation, management, and habitat of our Nation's wildlife resources, as well as hunter education; and commends hunters and shooters in the United States for the contributions they have made to make the Act such a success.

● Mr. MITCHELL. Mr. President, the individual hunter has contributed in many ways to the conservation of wildlife. This past September marks the 50th anniversary of one of the most far reaching of these contributions. On September 2, 1937, President Franklin Roosevelt signed the Federal Aid in Wildlife Restoration Act, more commonly known as the Pittman-Robertson Act, after its original sponsors, Senator Key Pittman of Nevada and then-Representative A. Willis Robertson, of Virginia.

The early 1930's were one of the most difficult times in this Nation's history. The American people suffered greatly from our worst economic depression and drought. This period also was a time when the accumulated disregard and abuse of our natural resources had become acute. In particu-

lar, many of our wildlife populations had been nearly eradicated by years of uncontrolled killing to supply commercial markets with fur, feathers, meat, and oil.

The desperate state of wildlife and other natural resources in the thirties spawned a number of laws that form much of the backbone of today's wildlife conservation programs. Many of the Nation's conservation organizations also got their start during that period.

The Pittman-Robertson Act is one of the laws that dates back to that era. At the request of hunters and sporting arms manufacturers, and others interested in conservation, the Congress extended the life of an existing 10-percent tax on sport hunting firearms and ammunition with the provision that these proceeds be earmarked directly for matching with the States to restore, manage, and study wildlife populations and habitat. Subsequent amendments expanded the items covered by the tax to include handguns and archery equipment.

The moneys generated by the tax are allocated to the States without further appropriation on a 3-to-1 Federal-State matching basis. The proportion allocated to each State is based on the State's area and the number of licensed hunters.

This fiscal year, for instance, Maine's Department of Inland Fisheries and Wildlife will receive more than \$800,000 in Pittman-Robertson matching Federal funds for wildlife management projects and hunter education.

To qualify for Federal matching funds, wildlife management projects developed by the States must be approved by the U.S. Fish and Wildlife Service. The Service may use up to 8 percent of the total excise tax receipts for administering and overseeing the program.

The excise tax imposed under the Pittman-Robertson Program has raised more than \$1.75 billion in the past 50 years. The States have matched these proceeds with \$500 million from hunting license fees. These funds have helped restore numerous wildlife species, provided hunter safety training, and purchased 4.1 million acres of land for wildlife. As a result, many once-depleted wildlife species such as the white-tailed deer, wild turkey, beaver, black bear, wood duck, Canada Goose, and bald eagle are now common.

The benefits of the Pittman-Robertson Program not only accrue to sportsmen and women, they also extend to a much larger number of people who never hunt but who do enjoy wildlife-related activities. In recent studies it has been estimated that only about 10 to 30 percent of the use of wildlife areas funded by the program is related to hunting. Most of the visitors to

these areas the birdwatchers, photographers, canoeists, and others who simply enjoy seeing wildlife in its natural habitat.

To honor the achievements of the Pittman-Robertson Act and the hunters who have made it possible with their continuing support, I am submitting this concurrent resolution to commemorate the 50th anniversary of the enactment of this program. It is identical to the resolution sponsored by Representative DAVIS of Michigan and adopted by the House.

I thank Senators BREAUX and SYMMS and the other 11 sponsors of this concurrent resolution. It is my hope that others will join us in recognizing the wildlife restoration made possible by this important piece of legislation. ●

AMENDMENTS SUBMITTED

STATE DEPARTMENT, U.S. INFORMATION AGENCY AND BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT

DOLE AMENDMENT NO. 841

Mr. DOLE proposed an amendment to the bill (S. 1394) to authorize appropriations for fiscal year 1988 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes; as follows:

On page 7, between lines 7 and 8, insert the following new subsection:

(d) INTERNATIONAL WHEAT COUNCIL.—Of the funds authorized to be appropriated for the fiscal year 1988 by this section, not less than \$388,000 shall be available only for the United States contribution to the International Wheat Council.

WALLOP (AND OTHERS) AMENDMENT NO. 842

Mr. WALLOP (for himself, Mr. WILSON, Mr. DOLE, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, Mr. MATSUNAGA, and Mr. INOUE) proposed an amendment to the bill (S. 1394) supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE SOVIET ICBM TESTS NEAR THE STATE OF HAWAII.

(a) FINDINGS.—The Congress finds that—

(1) the Union of the Soviet Socialist Republic and the United States of America have recently concluded an agreement with respect to reducing the risks of accidental nuclear war,

(2) the Soviet Union has within the last twenty four hours conducted two tests of its intercontinental ballistic missile forces,

(3) the announced impact points for re-entry vehicles from these tests are as close as two hundred miles northwest and southeast of the State of Hawaii,

(4) one target area will require the overflight of sovereign U.S. territory by a Soviet ICBM,

(5) neither superpower has ever conducted an ICBM test as close to the others' territory,

(6) the missile used in this test is a new modern multiple warhead ICBM which is a violation of both the "new type" and the "heavy ICBM" provisions of the SALT II Treaty,

(7) The Soviet Union allegedly encrypted telemetry from this first flight-test, as is their standard practice, in further violation of the SALT II Treaty,

(8) The Soviet Union appears to have been practicing with this test a strike on the United States because of the use of trajectories of fire identical with those that would be used to attack Pearl Harbor,

(9) had this test misfired by only fractions of a second, tens of Soviet ballistic missile test warheads could have landed on centers of population in the Hawaiian Islands, and

(10) this action cannot be explained as anything but a deliberate provocation of the United States and a direct threat to our national security.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that—

(1) This test has increased rather than decreased the risk of nuclear war.

(2) The Congress of the United States condemns the Soviet Union for its actions that demonstrate an utter disdain for civilized and acceptable standards of international behavior,

(3) The Congress condemns this new violation of the provisions of the SALT II Treaty,

(4) Because the United States has not even a very limited defense against ballistic missiles, the possibility of accidental impact of Soviet ballistic missile test warheads in the population centers on the Islands of Hawaii could not be prevented,

(5) The United States government should officially and at the highest levels protest this action by the Soviet government and should inform the Soviet Union that it will not tolerate another flight-test of this sort aimed directly at U.S. territory;

(6) The President should report to the Congress in ten days in both classified and unclassified forms on (a) the details of the tests; (b) Soviet explanations offered in response to U.S. diplomatic protests; (c) what steps the U.S. will take to ensure that such a test will not happen in the future; and (d) what effect a first-phase SDI system could have against a missile launched in similar proximity to U.S. territory.

HELMS AMENDMENT NO. 843

Mr. HELMS proposed an amendment, which was subsequently modified, to amendment No. 842 proposed by Mr. WALLOP (and others) to the bill (S. 1394) supra; as follows:

Add at the end of the Wallop amendment the following new section:

"SEC. . Notwithstanding any other provision of law or of this Act, no national defense program of the United States shall be impeded or delayed in order to comply with any treaty or proposed treaty or provision thereof which the President has certified to Congress that the U.S.S.R. is violating unless and until the President shall thereafter certify to Congress that the U.S.S.R. is no longer violating such treaty or such provision and that the U.S.S.R. has given formal assurance that it will not again use impact areas adjacent to the State of Hawaii or any other State or territory of

the United States for testing ICBMs or any other nuclear weapons delivery system."

PELL AMENDMENT NO. 845

Mr. PELL proposed an amendment to the bill (S. 1394) supra; as follows:

At the end of the bill add the following amendment: "The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, and, upon entry into force of the amendments to such constitution approved in Geneva, Switzerland, on May 20, 1987, to continue membership in the organization under the name International Organization for Migration in accordance with such constitution and amendments. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participation in the Committee."

CHAFEE AMENDMENT NO. 844

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 1394) supra; as follows:

On page 75, between lines 12 and 13, insert the following:

SEC. 218. CULTURAL PROPERTY ADVISORY COMMITTEE.

(a) TERMS OF SERVICE.—Section 306(b)(3)(A) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

"(3)(A) Members of the Committee shall be appointed for terms of three years and may be reappointed for one or more terms. With respect to the initial appointments, the President shall select, on a representative basis to the maximum extent practicable, four members to serve three year terms, four members to serve two year terms, and the remaining members to serve a one-year term. Thereafter each appointment shall be for a three-year term."

(b) VACANCIES; CHAIRMANSHIP.—Section 306(b)(3)(B) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 note) is amended to read as follows:

"(B)(i) A vacancy in the Committee shall be filled in the same manner as the original appointment was made and for the unexpired portion of the term, if the vacancy occurred during a term of office. Any member of the Committee may continue to serve as a member of the Committee after the expiration of his term of office until reappointed or until his successor has been appointed."

"(ii) The President shall designate a Chairman of the Committee from the members of the Committee."

CRANSTON AMENDMENT NO. 846

Mr. CRANSTON proposed an amendment to the bill (S. 1394) supra; as follows:

On page 57, between lines 17 and 18, insert the following new section;

SEC. 146. Privileges and Immunities to Offices of the Commission of the European Communities:

"The act entitled 'An act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof', approved October 18, 1972 (86 Stat. 815), is amended by adding at the end the following: 'Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

"(1) the privileges and immunities described in the preceding sentence; or

"(2) as appropriate for the functioning of a particular office, privileges and immunities equivalent to those accorded consular premises, consular offices, and consular employees, pursuant to the Vienna Convention on Consular Relations."

MITCHELL (AND OTHERS) AMENDMENT NO. 847

Mr. MITCHELL (for himself, Mr. COHEN, and Mr. SIMON) proposed an amendment to the bill (S. 1394) supra; as follows:

On page 75, between lines 12 and 13, insert the following new section:

SEC. 218. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM.

(a)(1) The purpose of this section is to promote friendship and understanding between the United States and the Soviet Union through the establishment of a program for the exchange of youths of the two countries and to recognize the contribution made by Samantha Smith in furthering this goal.

(2) To carry out the purposes of this section, the Bureau of Educational and Cultural Affairs (hereafter in this section referred to as the "Bureau") is authorized to provide by grant, contract, or otherwise for educational exchanges, visits, or interchanges between the United States and the Soviet Union of American and Soviet youths under the age of 21.

(3) The President is authorized to enter into an agreement with the Government of the Soviet Union to carry out paragraph (2).

(b)(1)(A) The Bureau is authorized to award scholarships to exceptional students—

(i) who have not obtained 25 years of age;

(ii) who are enrolled in institutions of higher education;

(iii) who are studying in the Soviet Union in programs approved by such institutions; and

(iv) who meet the conditions of paragraph (2).

(B) In awarding scholarships under this paragraph, the Bureau shall consider the financial need of the applicants.

(C) Each scholarship awarded under clause (A) may not exceed \$5,000 in any academic year of study.

(2) The Bureau shall prescribe such regulations as may be necessary to establish procedures for the submission and review of applications for scholarships awarded under this section.

(3)(A) A student awarded a scholarship under this subsection shall continue to receive such scholarship only during such periods as the Bureau finds that he or she is maintaining satisfactory proficiency in his or her studies.

(B) Not later than 30 days after the close of an academic year for which funds are made available under this section, each institution of higher education, one or more students of which have been awarded a scholarship under this section, shall prepare and transmit to the Bureau a report describing the level of proficiency achieved by such students in their studies.

(4) For purposes of this subsection, the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

(c) In addition to funds authorized to be appropriated for the Bureau for the fiscal year 1988, \$2,000,000 shall be available in fiscal year 1988 only to carry out the purposes of this section.

(d) Activities carried out under this section may be referred to as the "Samantha Smith Memorial Exchange Program".

RIEGLE (AND OTHERS) AMENDMENT NO. 848

Mr. PELL (for Mr. RIEGLE), (for himself, Mr. LEVIN, Mr. HELMS, Mr. LAUTENBERG, Mr. DIXON, Mr. KERRY, Mr. PRYOR, Mr. NICKLES, Mr. MOYNIHAN, Mr. D'AMATO, and Mr. BYRD) proposed an amendment to the bill S. 1394, supra; as follows:

At the end of the bill, add the following new section:

SEC. . SELF-DETERMINATION OF THE PEOPLE FROM THE BALTIC STATES OF ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds that—

(1) the subjugation of peoples to foreign domination constitutes a denial of human rights and is contrary to the Charter of the United Nations;

(2) all peoples have the right to self-determination and to establish freely their political status and pursue their own economic, social, cultural, and religious development, a right that was confirmed in 1975 in the Helsinki Final Act;

(3) on August 23, 1939, Soviet Foreign Minister V. M. Molotov and the Foreign Minister of Nazi Germany, Joachim von Ribbentrop, signed a non-aggression pact containing Secret protocols that consigned the Baltic States to a Soviet sphere of influence;

(4) on June 21, 1940, Armed Forces of the Soviet Union overran the independent Baltic republics of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Soviet Union, depriving the Baltic peoples of their basic human rights, including the right to self-determination;

(5) the Government of the Soviet Union continues efforts to change the ethnic character of the population of Estonia, Latvia, and Lithuania through policies of Russification and dilution of their native populations;

(6) the United States continues to recognize the diplomatic representatives of the last independent Baltic governments and supports the aspirations of the Baltic peoples to self-determination and national independence, a principle enunciated in 1940 and reconfirmed by the President on July 26, 1983, when he officially informed all member nations of the United Nations that the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union;

(7) the Baltic peoples continue to show their discontent with the foreign domina-

tion of their nations and their ardent hopes for liberty, most recently on August 23, 1987, when simultaneous demonstrations were held in Tallinn, Estonia, Riga, Latvia, and Vilnius, Lithuania to mark the 48th anniversary of the signing of the Molotov-Ribbentrop Pact; and

(8) the Soviet Union continues to deny the people of Estonia, Latvia, and Lithuania the right to exist as independent countries, separate from the Soviet Union and denies the Baltic peoples the right to freely pursue human contacts, movement across international borders, emigration, religious expression, and other human rights enumerated in the Helsinki Final Act.

(b) RECOGNITION AND ACTION BY PRESIDENT.—Congress—

(1) recognizes the continuing desire and right of the people of the Baltic States of Estonia, Latvia, and Lithuania for freedom and independence from the Soviet Union; and

(2) calls on the President to—

(A) direct world attention to the right of self-determination of the people of the Baltic States by issuing on July 26, 1988, a statement that officially informs all member nations of the United Nations of the support of the United States for self-determination of all peoples and nonrecognition of the forced incorporation of the Baltic States into the Soviet Union.

(B) closely monitor events in the Baltic States following the peaceful public demonstrations in Riga on June 14, 1987, and in Tallinn, Riga, and Vilnius on August 23, 1987, and, in the context of the Helsinki Review Conference and other international forums, to call attention to violations of basic human rights in the Baltic States, such as the harassment, arrest, imprisonment, or expulsion of those who organize peaceful public demonstrations; and

(C) promote compliance with the Helsinki Final Act in the Baltic States through human contacts, family reunification, free movement, emigration rights, the right to religious expression and other human rights enumerated in the Helsinki Accords.

TRIBLE (AND WARNER) AMENDMENT NO. 849

Mr. HELMS (for Mr. TRIBLE, FOR HIMSELF AND MR. WARNER) proposed an amendment to the bill (S. 1394) supra; as follows:

On page 48, between lines 7 and 8, insert the following:

SEC. 138. STUDIES AND PLANNING FOR A CONSOLIDATED TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.

Section 123(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) Of the amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, the Secretary of State may transfer up to \$11,000,000 for 'Administration of Foreign Affairs' to the Administrator of General Services for carrying out feasibility studies, site preparation, and design, architectural and engineering planning under subsection (b)."

On page 2, in the table of contents, after the item relating to section 137, insert the following new item:

Sec. 138. Studies and planning for a consolidated training facility for the Foreign Service Institute.

HELMS AMENDMENT NO. 850

Mr. HELMS proposed an amendment to the bill (S. 1394) supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. . LIMITATIONS ON HOUSING EXPENSES FOR U.S. EMPLOYEES AT THE UNITED NATIONS.

(a) Section 119(l) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is hereby repealed.

(b) Section 9 of the United Nations Participation Act of 1945 is hereby amended by inserting a comma after the word "allowance" in subsection (1) and inserting the following "not to exceed \$1,500 per month."

MELCHER AMENDMENT NO. 851

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1394) supra; as follows:

On page 111 between lines 16 and 17, insert the following new section:

SEC. . PLAN FOR SHARING COSTS INVOLVED IN THE USE OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF

In order to pay for the costs of the Naval protection provided in the Persian Gulf, it is the sense of Congress that:

(1) The President should enter into negotiations with the government of any country benefiting from the protection to oil shipments and other navigation in the Persian Gulf, in order to establish a pro rata sharing of costs involved in such mission;

(2) The President should prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

“(A) his assessment of the costs involved in the use of United States Armed Forces in the Persian Gulf;

“(B) a plan for the pro rata sharing of such costs among those countries which benefit from that use of United States Armed Forces; and

“(C) a discussion of the status of negotiations entered into for the purpose of implementing the plan.”

HELMS AMENDMENT NO. 852

Mr. HELMS proposed an amendment to the bill (S. 1394) supra; as follows:

At the end of Section 101 of the bill, add the following new subsection:

(b) The Secretary of State shall provide to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 30 days of the end of each quarter of the fiscal year a complete report, including amount, payee, and purpose, of all expenditures made from the appropriation for Emergencies in the Diplomatic and Consular Service.

MIKULSKI AMENDMENT NO. 853

(Ordered to lie on the table.)

Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill (S. 1394) supra; as follows:

On page 111, between lines 16 and 17, insert the following new section:

SEC. 517. POLICY TOWARD THE DETENTION OF CHILDREN IN SOUTH AFRICA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of South Africa under its system of apartheid indiscriminately and repeatedly has detained black children without charge of trial, and has denied parental access to these children for extended periods of time;

(2) the detainees' parents' support committee of South Africa has compiled information estimating that more than 25,000 people were detained since June 12, 1986, under state of emergency regulations, and approximately 10,000 of these were children, including some as young as age 10;

(3) the Government of the Republic of South Africa has admitted on numerous occasions that it has detained children without charge, and that on a certain day in December 1986, 256 children under the age of 16 were in detention; that on a certain day in April 1987, 1,424 children under the age of 18 were in detention; and that on a certain day in May 1987, 280 children under the age of 16 were in detention; and that as of June 2, admitted that eleven children under the age of 16 were in detention; and

(4) human rights groups in South Africa estimate that many more children have been detained under state of emergency regulations than the Government of the Republic of South Africa admits;

(5) the state of emergency regulations allow for the detention of individuals without charge for an indefinite period of time; and

(6) the United States Ambassador to South Africa Edward J. Perkins has stated that such detentions are "a most serious abuse of human rights, particularly so where detainees are children as young as 11".

(b) POLICY.—The Senate hereby—

(1) calls for the cessation of the practice of detaining children under 18 years of age without charge or trial in South Africa;

(2) calls for the immediate release of all children in South Africa under state of emergency regulations and other laws which authorize detention without charge or trial; and

(3) pending the release of the children, calls on the Government of the Republic of South Africa to—

(A) permit the detained children immediate and frequent access to parents and legal counsel;

(B) make public the names and locations of all the detained children;

(C) provide the detained children with adequate food; clothing, and protection; and

(D) permit a recognized, independent, and impartial international humanitarian organization to verify that the provisions of this section are being carried out and that the detained children are not being abused, tortured, held in solitary confinement, and are not being held in detention in the company of adults.

(4) calls for the apprehension and trial of all those individuals who execute children by violent activities, including necklacing, and the cessation of these activities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Friday, October 2, 1987, to receive testimony concerning the implementation of the Reclamation Reform Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. PRYOR. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, October 2, beginning at 1 p.m., to mark up clean air legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Friday, October 2, 1987, to hold a hearing on S. 1703, the Indian Self-Determination and Education Assistance Act (P.L. 93-638).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Health of the Committee on Finance, be authorized to meet during the session of the Senate on October 2, 1987, to hold a hearing on child health programs and proposals that fall within the jurisdiction of the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, October 2, 1987, to markup farm credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENT

LAUREL LOFTSGARD

● Mr. BURDICK. Mr. President, North Dakota State University is today mourning the loss of its president, Laurel Loftsgard. He died of cancer yesterday at age 61.

Loftsgard was at NDSU, Fargo's land grant college, as long as I've been in Washington, since 1958. He taught ag-

ricultural economics for many years, before becoming vice president for academic affairs.

Since 1968, when Loftsgard was named president, NDSU has grown by leaps and bounds. This beautiful campus on the north side of Fargo is best known as a center for agricultural research, but it has strong programs in every field, from engineering to home economics.

I enjoyed working with Laurel Loftsgard and considered him a personal friend. A native North Dakotan, he knew the State and its people and helped build its university into a major center for higher education.

Mr. President, I ask unanimous consent that an article from the Forum, a Fargo newspaper, written by Jim Neumann, be inserted in the RECORD. It is a tribute to this educational leader.

The article follows:

LAUREL LOFTSGARD, PRESIDENT OF NDSU,
SUCCUMBS TO CANCER

(By Jim Neumann)

Laurel D. Loftsgard, president of North Dakota State University for 19 years, died late Thursday of cancer at a Fargo hospital. He was 61.

Loftsgard, who had a cancerous kidney removed last March, had been hospitalized for cancer treatment since Aug. 11. He died at 11:40 p.m. according to a nursing supervisor at St. Luke's Hospital.

John Richardson, state commissioner of higher education, said he would appoint an acting president in the near future to serve until a new president can be selected by the Board of Higher Education.

Robert Koob, NDSU vice president of academic affairs, will serve as the university's chief administrator until an acting president is named, Richardson added.

Richardson termed Loftsgard "a fine man . . . with whom I enjoyed a close relationship."

"It's significant to note he provided leadership for the university for nearly two decades, decades marked by the university's greatest expansion in terms of enrollment and service to the people of North Dakota," Richardson said.

"He's built a major university from a relatively small college," said Koob, who served at NDSU throughout Loftsgard's tenure. "The changes were enormous and all for the good."

Loftsgard was named president of NDSU in 1968, becoming the first native North Dakotan and third-youngest person to hold that position.

A North Dakota farm boy, he was quick to assess the value of his background in presiding over an agriculture-based university in a farm state.

"I believe that persons with my kind of background are able to be more effective in getting the support and confidence across the state than someone in the liberal arts field," he said shortly after assuming the presidency. "Because the state is 80 percent rural, and because the legislative bodies and the appropriations committees are controlled by people close to the farming industry, it is important that the president be someone who knows and understands these people."

Loftsgard was born Sept. 4, 1926 at Hoople, and grew up on the family farm near there.

He began his education in a rural school near Hoople, and attended high school at the Walsh County Agricultural School in Park River. He was forced to drop out briefly in his sophomore year to operate the family farm while his father was ill.

Loftsgard served in the U.S. Army in 1946-47 after graduating from high school. He was 23 years old when he enrolled at NDSU in 1949, and his college education was interrupted by another tour of duty in the Army during the Korean War from 1950 to 1951.

He married Carol June Evenson, Edinburg, N.D., at Edinburg in 1951 and returned to NDSU the same year. He graduated in 1954 with a bachelor of science degree in agricultural economics.

Loftsgard attended graduate school at Iowa State University and earned a doctorate in 1958. He returned to NDSU that year to accept a position as an assistant professor of agricultural economics.

Eight years after his return to NDSU he was appointed vice president for academic affairs.

He held that position until January 1968, when he was named acting president following the resignation of Herbert Albrecht. The state board of higher education made Loftsgard's appointment permanent six months later.

Loftsgard was the first NDSU alumnus to become the university's president.

He presided over NDSU during the social turbulence of the late 1960s and early 1970s, the enrollment boom of the late '70s and the lean economic times of the mid-1980s.

During his presidency, enrollment at NDSU rose more than 50 percent, increasing from 6,228 students in the fall of 1968 to a projected record 9,450 students this fall.

Major building and remodeling projects totaling more than \$30 million were undertaken during his tenure. Among buildings constructed were the Bison Sports Arena, Music Education building, Family Life Center and additions to the Memorial Union and Library. Many of the projects were undertaken with private funds.

When money for new buildings dwindled and construction costs soared, the university remodeled or rebuilt a number of buildings from the inside out, including Old Main, Minard Hall, the old field house, Ladd Hall, Morrill Hall and the home economics and horticulture science buildings.

In 1970, Loftsgard spearheaded the creation of the NDSU Development Foundation which guided two major fund-raising projects during his presidency, including SU '75 and the Centennial Fund Drive.

Under Loftsgard's leadership, NDSU's football team won 13 North Central Conference championships and five national titles.

NDSU began participating in the Minnesota-North Dakota tuition reciprocity program in 1975. In 1979, at urging from Loftsgard and other university officials, the NDSU Development Foundation doubled its scholarship funding for freshmen.

The university this year inaugurated the Northern Crops Institute, which helps market regionally-grown crops.

Loftsgard received numerous awards and recognitions, including the school's Blue Key Doctor of Service award in 1980 and the NCC Honor Award in 1979.

He was director for the North Dakota Water Resources Research Institute in 1965-66. He was a member of the Gamma Sigma Delta and Alpha Zeta agriculture honor societies; the Department of Health, Education and Welfare Secretary's Region

VIII Advisory Committee; the First National Bank and Metropolitan Federal Savings and Loan Association boards; St. Luke's Hospital board of trustees; the Federal Home Loan Bank of Des Moines (Iowa) board; and several fraternal organizations. He was appointed civilian aide to the Secretary of the Army for North Dakota in 1975.

Loftsgard is survived by his wife, Carol, 1200 N. University Drive; a son, Bradley, who farms near Fort Ransom, N.D.; one daughter, Cynthia, Phoenix, Ariz.; two brothers, Eugene and Harvey, both Park River; and two sisters, Eleanor Jost, Goleta, Calif., and Ruth Larson, Park River. ●

NAUM MEIMAN

● Mr. SIMON. Mr. President, yesterday afternoon two Soviet human rights activists were detained in Moscow. Their only crime was to edit a "human rights" journal. To those of us familiar with the case of my friend Naum Meiman, this will not come as a surprise.

Naum and thousands like him have had their most basic human rights consistently violated. The denial of religious and press freedoms, and the refusal of exit visas, is deplorable. Tragically, these abuses are daily events in Soviet society.

However, we may take hope from the increasing number of refuseniks who have recently received exit visas. It seems that the Soviet system does respond to our undying pressure. If the current trickle is to be turned into a flood, we must maintain our full commitment to this great human rights issue. Therefore, I, once again, urge the Soviets to release Naum immediately. ●

THE PLIGHT OF BORIS CHERNOBILSKY

● Mr. BIDEN. Mr. President, I would like to draw my colleagues' attention to the plight of Boris Chernobilsky, a Soviet refusenik and former prisoner-of-conscience. For 11 years Boris Chernobilsky, a 43-year-old radio electronics engineer, has sought to emigrate from Moscow to Israel. Soviet authorities have refused to grant him an exit visa on the grounds that he had access to "state secrets." In truth, Boris Chernobilsky has been denied an exit visa as punishment for his courageous efforts to practice his religion and preserve his Jewish heritage.

Chernobilsky, like the many thousands of refuseniks wanting to leave the Soviet Union, dreams of living with his family and friends in Israel. He and his wife Elena and their two children, Genya and Joseph, have renounced their Soviet citizenship and declared themselves to be citizens of Israel. Like many Jewish prisoners-of-conscience, he has suffered for his resistance to the oppression of the Soviet state. Convicted of a trumped-up

up charge, Boris spent a year in a labor camp.

I have been following Chernobilsky's case since last spring. In June I received what I thought was good news from the Soviet Embassy. The letter indicated that Boris Chernobilsky was granted permission to leave the Soviet Union. Friends and relatives of his were elated by this news and anticipated the Chernobilsky family's emigration to Israel. But Boris Chernobilsky had heard nothing in Moscow, and he was told by Soviet authorities that his exit visa had not been granted. He is still waiting for a clarification of his emigration status from Soviet authorities.

Mr. President, hundreds of thousands of Soviet Jews like Boris Chernobilsky wish to leave the Soviet Union. Despite the increased emigration this year, too few Jews are being granted exit visas. I certainly welcome the Soviet policy of glasnost, which has brought somewhat higher levels of Jewish emigration and greater openness in Soviet society. But glasnost will remain incomplete as long as individuals such as Boris Chernobilsky are denied the right to emigrate, persecuted for practicing their religion, and cruelly punished for their dissent. The American people cannot fully embrace new offers of friendship and cooperation from Moscow as long as the Soviet Government continues to oppress the basic rights of its own citizens. ●

INFORMED CONSENT: NEW MEXICO

● Mr. HUMPHREY. Mr. President, today I bring your attention to a letter sent to my office from a woman in New Mexico. It is typical of hundreds of letters that have come into my office in support of my informed consent bills, S. 272 and S. 273.

Informed consent is defined in "Black's Law Dictionary" as "a person's agreement to allow something to happen (such as surgery) that is based on a full disclosure of facts needed to make the decision intelligently; i.e., knowledge of risks involved, alternatives, etc." Unfortunately, when it comes to abortion, many women are being denied this full disclosure.

The results of the lack of informed consent before abortion is exemplified in today's letter and the hundred's like it. I urge my colleagues to end such an injustice toward women and support behind S. 272 and 273. I ask unanimous consent that the letter from New Mexico be entered into the RECORD.

The letter follows:

JULY 1, 1987.

DEAR SENATOR HUMPHREY: I had an abortion in 1976 in Portland Oregon. They did not tell me that it could cause problems for any subsequent pregnancies. They did not tell me that I would probably have feelings

of regret. They did not tell me that if they listened at that time that they would hear a heart beat or even that I would feel the baby move soon. They didn't tell me anything that would cause me to change my mind. What they did tell me was the procedure of the abortion. I have a very low pain tolerance so when they explained the procedure, I said maybe I would go ahead and have the baby. At that statement they replied, it's going to be more painful to carry and give birth to the baby.

As you see by that statement, they encouraged the abortion and discouraged the birth.

I hope this letter will be of help in getting the informed consent bill passed.

Sincerely,

ANONYMOUS,
New Mexico. ●

EARL JONES RECEIVES JOHN K. STERRETT AWARD

● Mr. WIRTH. Mr. President, senior citizens play an important role in making Colorado the special place that it is today.

To draw attention to the tremendous amount of work they do for Coloradans of all ages, the Senior Beacon, a publication well known for its reporting of issues of concern to seniors, annually awards the John K. Sterrett Senior Award. This award is given to that outstanding senior who exemplifies the attitude and lifestyle of a senior in the Pikes Peak region and is an inspiration to the Colorado Springs area.

This year's recipient is Earl E. Jones. Mr. Jones has served on numerous boards and participated in education programs. He helped raise funds to build a new senior center in Colorado Springs. The years spent in Colorado following his retirement from Mobile Oil Corporation have been active, challenging ones.

I would like to commend the Senior Beacon for sponsoring the award and to congratulate Mr. Jones for his outstanding contributions.

I submit the article from the Beacon for the CONGRESSIONAL RECORD.

The article follows:

EARL JONES RECEIVES THE JOHN K. STERRETT AWARD

(By Gerald K. Bliese)

The *Senior Beacon* is proud to announce that the winner of the John K. Sterrett Award is Earl E. Jones.

The John K. Sterrett Senior Award is given each year to the outstanding senior who exemplifies the attitude and lifestyle of an extraordinary senior in the Pikes Peak region and is an inspiration of aging and service to our community.

Earl Jones has been active in the Colorado senior scene since 1975. He currently is Assistant State Director for the AARP and has served as president three different times of the Austin Bluffs Chapter. He also served as vice president and for 5 years was active on the legislative committee. He also was an instructor in the Denver Education (55/Alive) program.

Besides his activities with the local, and state AARP, Earl has been a volunteer or in

promotion of Silver Key Senior Services, attended the Council of Senior Organization meetings, helped with the fund-raising of the new Senior Center and assists in the Myron Stratton senior advisory committee.

Earl, with his wife "Jo" moved to Colorado Springs in 1968 after 41 years with Mobil Oil Corp. He started as an office boy in 1927 and retired in 1968 as administrative assistant to the Milwaukee Regional accounting manager and was responsible for computer software and processing operations.

Earl and Jo have two sons and six grandchildren whom they enjoy seeing as much as possible. Earl is also active in his local church.

When you see Earl, you always see a smile and a willingness to want to help. We are thankful for the nomination of Earl Jones, and we are pleased he has been chosen for this award.

His framed color photo will join last year's winner to be hung on the special outstanding senior award wall at the Senior Center. Congratulations Earl E. Jones. ●

MINORITY ENTERPRISE DEVELOPMENT WEEK

● Mr. WEICKER. Mr. President, another year has passed and once again I take great pride in recognizing Minority Enterprise Development [MED] Week, October 4-10, 1987. This year marks the fifth celebration of MED week since it was so designated in 1982 by President Reagan to be held annually during the first full week of October. The Small Business Administration [SBA] and the Minority Business Development Agency [MBDA] are sponsoring events honoring distinguished minority entrepreneurs from around the Nation throughout this week.

And indeed, this should be a week of celebration. The significant contributions that minority business owners continue to make to our Nation's economy and local communities are laudable. But these accomplishments have been hard earned as minorities continue their struggle to open doors to our free enterprise system that have been systematically shut to all but a few in the past. It gives me great pleasure to express my own admiration and praise to each and every minority owner of a business, from the tiny mom and pop establishments to the largest enterprises, that have survived and flourished.

This year's theme, in keeping with the bicentennial celebration of the Constitution, is "We the people * * * ." I urge all of my colleagues to pay special attention to these words in the true spirit of the Constitution. We all have a role to play in assuring that minority owned businesses continue to thrive in this Nation and that opportunities to enter the economic mainstream are just as available to minority as to majority entrepreneurs. While I believe it is appropriate that we set aside a week to pay tribute to these business men and women for their out-

standing accomplishments, I urge that we also take this time to reaffirm our commitment and rededicate ourselves to the goal of increasing minority business participation in Federal procurement activities when this week is over. Strides have been made, but there is still much to be done.

I believe that the 1987 Department of Defense authorization bill which contains a 5-percent set-aside goal of DOD requirements for minority-owned small businesses is a step in the right direction. In achieving this legislative mandate, I would expect DOD to develop new opportunities for these firms and not simply draw from the 8(a) program or the regular set-aside program. It was the clear intent of Congress when it passed this provision last year to increase small disadvantaged companies' share of the Nation's procurement pie. I would hope that DOD meets the spirit of this legislation as it begins to implement the 5 percent set-aside program in fiscal year 1988.

Mr. President, minority-owned businesses have proven, without doubt, to be a major factor in increasing employment, providing new technology and innovations to the marketplace and ensuring a broader and healthier economy for all citizens. This is all the more reason we, as members of Congress, must not allow this year's theme, "We the people * * *" to ring with a hollow sound, to not lose sight of the tremendous amount of work that still must be done in achieving our goals of helping minority businesses help themselves by encouraging their participation in our Nation's rich economic opportunities.

Again, I congratulate and extend best wishes to every business man or woman who will receive an award during MED Week as well as the many who will not be recognized at this event but whose determination to make a difference is unwavering.●

ORDERS FOR TUESDAY, OCTOBER 6, 1987

RECESS UNTIL 8:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:30 a.m., on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS, MORNING BUSINESS, VOTE ON S. 1748, AND RESUME CONSIDERATION OF S. 1394

Mr. BYRD. Mr. President, I ask unanimous consent that following the orders of the two leaders on Tuesday next, Mr. PROXMIER be recognized for not to exceed 5 minutes, Mr. ADAMS be recognized for not to exceed 15 minutes; that there then be a period for the transaction of morning business until the hour of 9:15 a.m., that Sena-

tors may be permitted to speak during that period for not to exceed 3 minutes each; that at the hour of 9:15 a.m., the Senate proceed to vote on the Dole-Byrd bill on which the yeas and nays have been ordered, and that that be a 30-minute rollcall vote, at the conclusion of which regular order will be called; and that upon disposition of the Dole-Byrd bill, the Senate resume consideration of S. 1394, which is the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS AT 12:45 P.M. TUESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, at 12:45 p.m., the Senate stand in recess until 2 p.m. to accommodate the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Tuesday next, the Senate will convene at 8:30 a.m., and after the two leaders have been recognized under the standing order, Mr. PROXMIER will be recognized for not to exceed 5 minutes, followed by Mr. ADAMS for not to exceed 15 minutes, followed by a period for the transaction of morning business not to extend beyond 9:15 a.m., during which time Senators may speak for not to exceed 3 minutes each. At 9:15 a.m. the rollcall will begin.

Mr. President, I ask unanimous consent that no quorum call be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, at 9:15 a.m., the Senate will proceed to vote on the Dole-Byrd bill. That will be a rollcall that will last 30 minutes and the regular order will be called for at the end of the 30-minute period.

Following that rollcall vote, the Senate will resume consideration of the State Department authorization bill. Rollcall votes will occur thereon. And the two parties will have their regular conference at 12:45, extending until 2 o'clock. I hope that the Senate will be able to complete action on the State Department authorization bill on Tuesday. An order has been entered for the consideration of the catastrophic illness bill upon the disposition of the State authorization bill or no later than 2 p.m. on Thursday next.

In the meantime, I wish to alert all Senators that we expect rollcall votes on other matters. There are other appropriation bills now that are waiting on the calendar. Upon the disposition of the State authorization bill at some point in time very soon, the Senate will proceed to the consideration of the State-Justice-Commerce appropriation bill.

Senators have been notified already that there will be a rollcall vote that

could occur at any time on the motion to proceed to the Verity nomination. And that motion would be nondebateable. There will be a rollcall vote thereon. So at the first opportunity when there is a window, I expect to take up the Verity nomination. Whether or not there will be a rollcall vote on going to it or not, that is up to the Senate. But it will be taken up. And a rollcall vote can be expected on the nomination itself.

There are other very important matters that will come before the Senate. We have had a good week this week. The Senate has adopted four appropriation bills within the last week, going back to last week three of which were passed this week. The House has sent over to the Senate most of the appropriation bills thus far. Not a single regular appropriation bill reached the President's desk last year.

So remaining and already reported by the Senate Appropriations Committee are the energy and water development appropriations bill, the Commerce-Justice-State Judiciary appropriations bill which will follow very soon after the State authorization bill has been passed, and the Labor-HHS-Education appropriations bill has been reported from the committee.

So there are three bills that have been reported from the Appropriations Committee which are eligible to be taken up now at any time. There are two others, the transportation appropriation bill and the military construction appropriations bill, and the HUD appropriations bill which do not show yet on the calendar as having been reported. But I understand that transportation has been ordered reported, and the HUD appropriation bill has been ordered reported.

So we are off, and we are running. And we are going to move with expedition taking up these appropriations bills, sending them to conference and the President's desk so that he can have his opportunity to use his veto pen. He will not be able to kick old Congress around anymore saying he has only been sent one appropriation bill. He has to make his choice. He cannot say he only has one bill, that the budget process up there has broken down, and there needs to be something done about it. He is going to have appropriations bills all over his desk. He can use his own judgment as to whether or not he wants to veto them.

I hope he will use good judgment and not veto them. But that is up to him. He has that right. He has that authority. In any event, we are going to do our duty.

RECESS UNTIL 8:30 A.M., TUESDAY, OCTOBER 6, 1987

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 8:30 a.m. on Tuesday next.

Thereupon at 5:47 p.m., the Senate recessed until Tuesday, October 6, 1987, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1987:

DEPARTMENT OF STATE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR, IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUBSTANTIAL PERIOD:

GEORGE SOUTHAL VEST, OF MARYLAND.

DEPARTMENT OF JUSTICE

WILLIAM S. ROSE, JR., OF SOUTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ROGER MILTON OLSEN, RESIGNED.

DEPARTMENT OF THE INTERIOR

EARL E. GJELDE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE INTERIOR, VICE ANN DORE MCLAUGHLIN, RESIGNED.

DEPARTMENT OF COMMERCE

MELVIN N.A. PETERSON, OF CALIFORNIA, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NEW POSITION.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM L. EAGLETON, JR., OF WASHINGTON
HUME ALEXANDER HORAN, OF NEW JERSEY
LOWELL CHARLES KILDAY, OF VIRGINIA
ROBERT E. LAMB, OF GEORGIA
JOHN C. MONJO, OF MARYLAND
THOMAS MICHAEL TOLLIVER NILES, OF THE DISTRICT OF COLUMBIA

WARREN ZIMMERMANN, OF VIRGINIA
CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KENNETH W. BLEAKLEY, OF NEW YORK
A. DONALD BRAMANTE, OF NEW YORK
CHARLES F. BROWN, OF NEVADA
ALBERT PETER BURLEIGH, OF CALIFORNIA
EDWARD M. COHEN, OF NEW YORK
JAMES P. COVEY, OF THE DISTRICT OF COLUMBIA
CARL COPELAND CUNDIFF, OF NEVADA

JAMES F. DOBBINS, JR., OF NEW YORK
JOHN JOSEPH EDDY, OF VIRGINIA
PAUL F. EGGERTSEN, M.D., OF WASHINGTON
ROBERT W. FARRAND, OF NEW YORK
RICHARD C. PAULK, OF FLORIDA
ROGER R. GAMBLE, OF NEW MEXICO
ROBERT S. GELBARD, OF NEW YORK
APRIL CATHERINE GLASPIE, OF CALIFORNIA
EDWARD W. GNEHM, JR., OF GEORGIA
PETER T. HIGGINS, OF CALIFORNIA
DAVID L. HOBBS, OF CALIFORNIA
GENTA HAWKINS HOLMES, OF CALIFORNIA
EDWARD HURWITZ, OF THE DISTRICT OF COLUMBIA
RICHARD H. IMUS, OF CALIFORNIA
RICHARD DALE KAUSLARICH, OF VIRGINIA
JOHN HUBERT KELLY, OF GEORGIA
ROLAND KARL KUCHEL, OF THE DISTRICT OF COLUMBIA

DOUGLAS LANGAN, OF NEW JERSEY
EDWARD GIBSON LANPHER, OF VIRGINIA
WARREN A. LAVOREL, OF CALIFORNIA
ROBERT A. MARTIN, OF PENNSYLVANIA
DWIGHT NEWELL MASON, OF NEW JERSEY
BRUNSON MCKINLEY, OF NEW JERSEY
JOSEPH D. MCLAUGHLIN, OF KANSAS
MICHAEL A. G. MICHAUD, OF MARYLAND
WILLIAM B. MILAM, OF CALIFORNIA
GEORGE E. MOOSE, OF MARYLAND
ROBERT B. MORLEY, OF NEW JERSEY
JEROME C. OGDEN, OF NEW YORK
MARK ROBERT PARRIS, OF VIRGINIA
DAVID D. PASSAGE, OF COLORADO
ROBERT A. PECK, OF CALIFORNIA
KENNETH N. PELTIER, OF TEXAS
BURNETT Q. PICKLEY, M.D., OF ARKANSAS
DAVID M. RANSON, OF THE DISTRICT OF COLUMBIA
EUGENE L. SCASSA, OF PENNSYLVANIA
ARTHUR PERRY SHANKLE, JR., OF MARYLAND
MICHAEL M. SKOL, OF ILLINOIS
LESTER P. SLEZAK, OF VIRGINIA
DANE F. SMITH, JR., OF NEW MEXICO
STEVEN E. STEINER, OF PENNSYLVANIA
JOHN J. TAYLOR, OF TENNESSEE
RICHARD W. TEARE, OF OHIO
PETER TOMSEN, OF OHIO
DOUGLAS K. WATSON, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE APPOINTMENTS, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD W. AHERN, OF PENNSYLVANIA
MICHAEL I. AUSTRIAN, OF CALIFORNIA
ANN R. BERRY, OF KENTUCKY
DAVID E. BROWN, OF CALIFORNIA
BRUCE G. BURTON, OF NEW YORK
W. SCOTT BUTCHER, OF OHIO
PETER R. CHAVEAS, OF PENNSYLVANIA
MARTIN L. CHESHES, OF NEW YORK
JAMES F. COLLINS, OF ILLINOIS
JOHN B. CRAIG, OF PENNSYLVANIA
RYAN CLARK CROCKER, OF WASHINGTON
RUTH A. DAVIS, OF CALIFORNIA
SHAUN EDWARD DONNELLY, OF INDIANA
STEPHEN M. ECTON, OF CONNECTICUT
STANLEY T. ESCUDERO, OF FLORIDA
ROBERT C. FELDER, OF FLORIDA
TOWNSEND B. FRIEDMAN, JR., OF ILLINOIS
VICTOR S. GRAY, JR., OF THE DISTRICT OF COLUMBIA
MICHAEL J. HABIB, OF VIRGINIA
MICHAEL L. HANCOCK, OF FLORIDA
CHARLES R. HARE, OF VIRGINIA
DENNIS G. HARTER, OF NEW JERSEY

RICHARD L. JACKSON, OF MASSACHUSETTS
JOANN M. JENKINS, OF FLORIDA
GREGORY L. JOHNSON, OF WASHINGTON
JOHN M. JOYCE, OF COLORADO
JOSEPH EDWARD LAKE, OF TEXAS
ROSCOE C. LEWIS III, OF THE DISTRICT OF COLUMBIA
WALTER B. LOCKWOOD, JR., OF CONNECTICUT
JAMES P. MACK, OF VIRGINIA
JAMES H. MADDEN, OF CALIFORNIA
MICHAEL M. MAHONEY, OF MASSACHUSETTS
CHARLES A. MAST, OF SOUTH DAKOTA
RICHARD M. MILES, OF SOUTH CAROLINA
KEVIN J. MCGUIRE, OF VIRGINIA
JAMES P. NACH, OF VIRGINIA
WARREN P. NIXON, OF IOWA
ALAN PARKER, OF CALIFORNIA
ROBERT M. PERITO, OF MASSACHUSETTS
RICHARD R. PETERSON, OF ILLINOIS
RONALD BENJAMIN RABENS, OF ILLINOIS
WILLIAM CHRISTIE RAMSAY, OF MICHIGAN
KARL S. RICHARDSON, OF NEBRASKA
DAVID A. ROBERTS, OF PENNSYLVANIA
JOSEPH A. SALOOM III, OF FLORIDA
ELEANOR WALLACE SAVAGE, OF CALIFORNIA
ARNOLD P. SCHIFFERDECKER, OF MISSOURI
ELAINE BARBARA SCHUNTER, OF WASHINGTON
KATHERINE H. SHIRLEY, OF ILLINOIS
RAYMOND F. SMITH, OF PENNSYLVANIA
E. MICHAEL SOUTHWICK, OF CALIFORNIA
JOHN P. SPILLANE, OF ILLINOIS
JOHN GERARD SULLIVAN, OF MASSACHUSETTS
JAMES W. SWIHART, JR., OF MAINE
CHRISTOPHER J. SZYMANSKI, OF VIRGINIA
STANISLAUS R.P. VALERGA, OF TEXAS
ALEXANDER RUSSELL VERSHBOW, OF VIRGINIA
THOMAS J. WAJDA, OF OHIO
GEORGE F. WARD, JR., OF NEW YORK
FRANK P. WARDLAW, OF TEXAS
WILLIAM A. WEINGARTEN, OF CALIFORNIA
DANIEL R. WELTER, OF ILLINOIS
DONALD B. WESTMORE, OF WASHINGTON
THOMAS GARY WESTON, OF MICHIGAN
KENT M. WIEDEMANN, OF CALIFORNIA
EDWARD H. WILKINSON, OF INDIANA
JAMES ALAN WILLIAMS, OF VIRGINIA
BERNARD J. WOERZ, OF NEW JERSEY
KENNETH YALOWITZ, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES J. BLYSTONE, OF VIRGINIA
JON N. LECHEVET, OF NEW YORK
KENNETH ROSENBERG, OF FLORIDA
HERBERT W. SCHULZ, OF PENNSYLVANIA
WILLIAM A. SMAYDA, OF CONNECTICUT
DENNIS L. WILLIAMS, OF VIRGINIA

WITHDRAWAL

Executive message, transmitting a withdrawal of a nomination from further Senate consideration, received by the Senate October 2, 1987:

DEPARTMENT OF LABOR

DOROTHY LIVINGSTON STRUNK, OF MARYLAND, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID A. ZEGER, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 23, 1987.